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Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to and implementation of the outcomes of the International Conferences on Financing for Development

Follow-up to the outcome of the Millennium Summit

Programme budget for the biennium 2016-2017

Supporting the implementation of the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on supporting the implementation of the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development (A/71/534). During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarification, concluding with written responses dated 9 November 2016.

2. According to the Secretary-General, the report was prepared in response to General Assembly resolution 70/248 C, in which the Assembly endorsed the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions (A/70/883), including a request that the Secretary-General submit a comprehensive proposal that addresses the effective and efficient delivery of mandates in support of the 2030 Agenda for

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Sustainable Development and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development (the two Agendas) (A/71/534, para. 1).

3. In the report, it is stated that through ongoing dialogue with Member States, the Secretariat entities have identified the following areas where the need for Secretariat support has risen and where it can add the highest value: (a) providing support for the strengthening of capacity and improving the ability to work together at the regional, national, subnational and local levels; (b) facilitating regional and international cooperation; (c) catalysing new partnerships and improving the effectiveness and accountability of existing partnerships; (d) supporting a favourable international enabling environment through intergovernmental processes; (e) supporting ongoing review and renewal; (f) undertaking public advocacy for the Sustainable Development Goals; (g) providing support to inter-agency efforts; and (h) providing support to countries' efforts to develop strategies to finance the implementation of the Sustainable Development Goals (ibid., para. 11).

4. Upon enquiry, the Advisory Committee was informed that at present, some 100 United Nations country teams have been approached by Governments requesting assistance for the implementation of the 2030 Agenda, and in 2015 and 2016, more than 60 new United Nations Development Assistance Frameworks have been initiated and signed with Governments.

5. The Secretary-General indicates that a comprehensive overview of the related resource requirements is presented through the following three categories:

(a) Requirements related to the mandates from the Economic and Social Council, for which an appropriation is sought in the context of the report of the Secretary-General on the revised estimates resulting from resolutions and decisions adopted by the Economic and Social Council during 2016 (A/71/401 and Add.1);

(b) Requirements related to the mandates in the two Agendas, for which revised estimates were previously presented in the report of the Secretary-General (A/70/589 and Corr.1);

(c) Requirements for the strengthening of the Development Account and the regular programme of technical cooperation as set out in the report of the Secretary-General (A/71/534, para. 34).

6. The observations and recommendations of the Advisory Committee in respect of category (a) are contained in its report on the revised estimates resulting from resolutions and decisions adopted by the Economic and Social Council during 2016 (A/71/633; see also para. 36 below), which should be read in conjunction with the present report. The recommendations of the Committee in relation to categories (b): Requirements related to the mandates in the two Agendas, for which revised estimates were previously presented in the report of the Secretary-General (A/70/589 and Corr.1) and (c): Requirements for the strengthening of the Development Account and the regular programme of technical cooperation, are set out below.

II. Category (b): Requirements related to the mandates in the two Agendas, for which revised estimates were previously presented in the report of the Secretary-General (A/70/589 and Corr.1)

7. In respect of the report of the Secretary-General (A/70/589 and Corr.1), the General Assembly, in its resolution 70/248 A, authorized the Secretary-General to enter into commitments for the implementation of the Addis Ababa Action Agenda and the 2030 Agenda, in an amount not exceeding $7,547,300 in the first year of the biennium 2016-2017. In the report (A/71/534), it is indicated that projected expenditures in this regard would amount to $6,142,600, for which an appropriation is being sought in the present report (ibid., table 22; see also para. 37 below).

8. In his report, the Secretary-General requests resources in the amount of $5,854,200 for 2017 for the implementation of the two Agendas, in respect of section 2, General Assembly and Economic and Social Council affairs and conference services; section 9, Economic and social affairs; section 12, Trade and development; section 29D, Office of Central Support Services; and section 36, Staff assessment, of the programme budget (ibid., paras. 44 and 173 (c)).

Addis Ababa Action Agenda

9. With respect to the requirements for 2017 arising from the implementation of the Addis Ababa Action Agenda, a total amount of $1,714,000 is proposed, comprising $37,600 under section 2, General Assembly and Economic and Social Council affairs and conference services; $1,360,600 under section 9, Economic and social affairs; $106,500 under section 12, Trade and development; $95,400 under section 29D, Office of Central Support Services; and $113,900 under section 36, Staff assessment (ibid., table 4).

10. The amount of $37,600 proposed under section 2, General Assembly and Economic and Social Council affairs and conference services, would cover one pre-session document of 8,500 words to be issued in the six official languages (ibid., para. 46).

11. Under section 9, Economic and social affairs, the amount of $1,360,600 would provide for six temporary posts (1 P-5, 2 P-4, 2 P-3 and 1 General Service (Other level)), effective from 1 January 2017 ($946,200); consultants ($150,000); experts ($180,000); travel of staff ($65,000); contractual services ($14,000); general operating expenses ($2,400); and supplies and materials ($3,000). Modifications to external factors and outputs are also proposed under section 9 (ibid., paras. 53, 63 and 64, and table 6).

12. With respect to the proposed requirements for consultants under section 9, it is stated in the report that specialized expertise is required to provide analytical papers on the theme of the Economic and Social Council forum on financing for development follow-up to serve as background to the expert group meeting; background papers to serve as input; the development of a communications strategy; and background studies (ibid., para. 57). In relation to the proposed six temporary posts, it is indicated in the report that one Economic Affairs Officer (P-4) would conduct policy analysis, research and technical advice on the annual theme of the

forum, including drafting background papers and concept notes, and one Economic Affairs Officer (P-3) would assist in developing a communications strategy. In addition, it is proposed that another Economic Affairs Officer (P-4) would prepare various reports, background papers and parliamentary documentation for the Secretary-General and the Committee of Experts on International Cooperation in Tax Matters (ibid., paras. 55 (b) and (c) and 56 (a)). **In view of the overlap in some functions between the proposed temporary posts and consultants as described in the report of the Secretary-General, the Advisory Committee recommends a 20 per cent reduction in the proposed resources for consultants in the amount of $30,000, so that resources for consultants under section 9 would amount to $120,000.**

13. The proposed requirements for section 12, Trade and development ($106,500) would comprise $87,000 for consultants and $19,500 for travel of staff. It is indicated in the report that the implementation of the Addis Ababa Action Agenda would also require modifications under section 12 (ibid., paras. 73 to 75, and table 7). The amount of $95,400 under section 29D, Office of Central Support Services, general operating expenses, would cover the costs of central support services, including for the rental of premises to house six temporary posts located in New York. Under section 36, Staff assessment, the amount of $113,900 would provide for staff assessment resulting from the temporary posts proposed under section 9, Economic and social affairs, offset by an equivalent amount under income section 1, Income from staff assessment (ibid., paras. 78 and 80).

2030 Agenda for Sustainable Development

14. It is stated in the report that the implementation of the additional mandates arising from the 2030 Agenda for Sustainable Development would require total additional resource requirements for 2017 in the amount of $4,140,200 under section 2, General Assembly and Economic and Social Council affairs and conference management ($281,400); section 9, Economic and social affairs ($3,497,100); section 29D, Office of Central Support Services ($159,000); and section 36, Staff assessment ($202,700) (ibid., para. 81 and table 10).

15. With respect to section 2, General Assembly and Economic and Social Council affairs and conference management, the amount of $281,400 would cover interpretation ($24,000), pre-session documentation ($210,400) and post-session documentation ($47,000) (ibid., table 11).

16. Under section 9, Economic and social affairs, the amount of $3,497,100 would comprise $1,643,600 for temporary posts (3 P-5, 4 P-4 and 2 P-3) effective from 1 January 2017; $88,500 for other staff costs; $497,500 for consultants; $670,000 for experts; $78,500 for travel of representatives; $295,000 for travel of staff; $215,000 for contractual services; $4,000 for general operating expenses; and $5,000 for supplies and materials. Modifications, including to outputs, are also proposed under section 9 (ibid., paras. 144-159 and table 13).

17. In the report, it is stated that the requirements for consultants under section 9, subprogramme 3, in the amount of $310,000, relate to specialized expertise for national reviews, the adaptation of guidance at the national level, training, tools development, policy analysis, development of case studies and best practices, as well as preparation of inputs to the *Global Sustainable Development Report*

(ibid., para. 117 (a) and (b)). Of the proposed four temporary posts, the report indicates that one Senior Sustainable Development Officer (P-5) would support the further elaboration of the guidelines for the national reviews and develop training materials and tools. One Sustainable Development Officer (P-3) would undertake analysis and research on specific thematic or new issues addressed in the *Global Sustainable Development Report* and support the drafting of some parts of the report, while other existing staff of the Policy and Analysis Branch would also contribute to the preparation of the report (A/71/534, paras. 112 (a) and 115). **Considering the duplication in some of the functions to be covered by the proposed temporary posts and consultants as indicated by the Secretary-General, and the existing capacity, the dvisory Committee recommends a 20 per cent reduction in the amount of $62,000 under consultants, which would result in resources for consultants in the amount of $248,000 under subprogramme 3 of section 9.**

18. It is also indicated that under subprogramme 4 of section 9, resources in the amount of $82,500 for consultants would provide for the development of new statistical methodologies, approaches, tools and techniques in a wide range of new areas and the development of new methodologies, approaches, tools and techniques in the area of geospatial information management (ibid., para. 133 (a) and (b)). In this regard, the Secretary-General also requests four temporary posts, including one Statistician (P-4) to support the methodological work of the global indicator framework in the new areas, and one Senior Statistician (P-5) to provide leadership in the use of geographic information. It is also indicated in the report that at present, there are two mid-level expert staff in the United Nations Statistics Division who support this work (ibid., para. 132 (b) and (d)). **In the light of the overlap of some of the functions to be performed by the proposed temporary posts and consultants as set out in the report of the Secretary-General, and the existing capacity, the Advisory Committee recommends a 20 per cent reduction in the amount of $16,500 under consultants, which would amount to total resources of $66,000 for consultants under subprogramme 4 of section 9.**

19. It is stated in the report that under section 29D, Office of Central Support Services, the amount of $159,000 would cover the costs of central support services, including for the rental of premises to house nine temporary posts and a general temporary assistance position located in New York. The amount of $202,700 under section 36, Staff assessment, would provide for staff assessment resulting from the temporary posts and general temporary assistance positions proposed under section 9, Economic and social affairs, offset by an equivalent amount under income section 1, Income from staff assessment (ibid., table 19 and para. 164).

20. **Therefore, under category (b), the Advisory Committee recommends a total reduction in the amount of $108,500 for consultants under section 9 as detailed in paragraphs 12, 17 and 18 above. In this context, the Committee recalls its view that reliance on the use of external consultants should be kept to an absolute minimum and that the Organization should use its in-house capacity to perform core activities or to fulfil functions that are recurrent over the long term (A/70/7, para. 116). Taking this into account, the Advisory Committee recommends approval of resources in the amount of $5,745,700 under category (b) for requirements for 2017 related to the mandates in the two Agendas, as well as the proposed establishment of 15 temporary posts (4 P-5, 6 P-4, 4 P-3 and 1 General Service (Other level)), effective from 1 January 2017, under section 9, Economic and social affairs.**

III. Category (c): Requirements for the strengthening of the Development Account and the regular programme of technical cooperation

Development Account

21. In the report of the Secretary-General, it is stated that enabling countries to realize the 2030 Agenda requires a well-coordinated United Nations with a cross-sectoral approach, which calls for behavioural and cultural changes in the Organization. In order to incentivize these changes, the Secretary-General proposes that the Member States consider increasing the funding for the Development Account. It is indicated that the projects executed by the United Nations Secretariat implementing entities under the Development Account funding would be demand-driven and coordinated with relevant United Nations funds, programmes and/or specialized agencies, using human and technical capacities within developing countries, to the extent possible, including through South-South cooperation (A/71/534, paras. 22 and 24).

22. It is indicated that the approved resources in the amount of $28.4 million for the biennium 2016-2017 have been focused towards helping Member States to strengthen their capacity to generate, assemble and analyse data related to the implementation of the 2030 Agenda, including $12 million dedicated to addressing the most urgent initial statistical needs related to the Sustainable Development Goals. The Secretary-General proposes an increase of $7.5 million for 2017 and a further additional $7.5 million for the biennium 2018-2019, amounting to a total of $15 million, to support the implementation of the 2030 Agenda. The current appropriation for section 35, Development Account, in the current biennium 2016-2017 ($28,398,800) would therefore increase to $35,898,800 (a net increase of $7.5 million) and $43,398,800 (a further net increase of $7.5 million) in the biennium 2018-2019 (ibid., paras. 26, 27 and 165).

23. It is also proposed that the eligibility of the Development Account implementing entities be expanded beyond the current 10 to those listed under section VIII of the report, including any other entities to be included at the discretion of the Secretary-General. The Account is also proposed to be renamed as the "Sustainable Development Account", and the Steering Committee would include all the eligible entities (ibid., paras. 29 and 31). Upon enquiry, the Advisory Committee was informed that at present, the Development Account is under the overall supervision of the Under-Secretary-General for Economic and Social Affairs.

24. It is stated in the report that the Secretary-General would continue to provide overall strategic and programmatic direction supported by the programme manager and the Steering Committee. It is further stated that projects would be selected on the basis of two criteria: (a) the proposals must prove their relevance to furthering the implementation of the 2030 Agenda and the Addis Ababa Action Agenda; and (b) preference will be given to projects to be undertaken in an integrated manner by more than one entity across sectors (ibid., paras. 28 and 30).

Regular programme of technical cooperation

25. It is indicated in the report that the regular programme of technical cooperation is demand-driven and is able to respond flexibly and on short notice to the specific requests of developing countries for small-scale but urgent requirements as defined by them. In order to respond to the growing demand of developing countries for policy advice and capacity-building, including regional and subregional advisory services, the Secretary-General proposes an increase to the funding to this programme in the amount of $5 million for 2017 and for 2018-2019. The current appropriation for section 23, Regular programme of technical cooperation ($54,763,400) would increase to $59,763,400 (net increase of $5 million) in the bienniums 2016-2017 and 2018-2019 (ibid., paras. 32, 33 and 165).

26. Upon enquiry, the Advisory Committee was informed that subject to approval by the General Assembly, the distribution of new resources among entities and type of activities will be determined in January 2017, following further consultation with the implementing entities for the regular programme of technical cooperation, based on needs expressed by Member States. The Committee was further informed that the 2018-2019 budget fascicle will also include information on the distribution of the new resources for 2017.

Observations and recommendations

27. The Secretary-General indicates that the present report replaces the previous report of the Secretary-General (A/70/794) on supporting the implementation of the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development (A/71/534, para. 2). The Advisory Committee notes that in his previous report, the Secretary-General set out the proposed budgetary implications by budget section, distribution of proposed temporary posts by budget section and grade and distribution of proposed non-post objects of expenditure by budget section (A/70/794, tables 1-3). The Secretary-General also submitted supplementary information which provided detailed budgetary implications by budget section, component and object of expenditure for sections 1, 2, 3, 4, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 27, 29F, 35 and 36 of the programme budget for the biennium 2016-2017. At that time, the Committee was informed upon enquiry that the report included proposals for additional resource requirements for the strengthening of the Department of Economic and Social Affairs, the United Nations Conference on Trade and Development, the regional commissions and the United Nations Development Account, in accordance with General Assembly resolution 70/247.

28. The Advisory Committee recalls that in its previous report, it noted with concern that the report of the Secretary-General was not a comprehensive proposal as requested by the General Assembly in its resolution 70/247 and considered that the details in the supplementary information should have been included in the report itself. The Committee also recommended that the Assembly request the Secretary-General to submit a comprehensive proposal that addresses the effective and efficient delivery of mandates in support of the two Agendas, as requested by the Assembly in its resolution 70/247, and that takes into account the observations and comments of the Committee (A/70/883, paras. 10 and 20). The General Assembly

endorsed the conclusions and recommendations of the Committee in this regard in its resolution 70/248 C.

29. **The Advisory Committee notes that the present report of the Secretary-General submitted in response to General Assembly resolution 70/248 C does not address the Committee's concerns as endorsed by the Assembly in resolution 70/248 C, and instead presents a completely new proposal with a narrative that is different from the narrative in the previous report (A/70/794). It is unclear how the proposals in the previous report led to the present proposal, or how the present proposal takes into account the Committee's previous observations and comments.**

30. **The Advisory Committee also notes that the Secretary-General has not provided any information on how he intends to disburse the requested resources under sections 23 and 35. The proposal should have provided detailed information on the type of projects, the implementing entity and the amounts to be received by each implementing entity, for the consideration of the General Assembly prior to approval. The Committee considers that the present proposal would not provide Member States with sufficient oversight of the utilization of the related resources under the Development Account and regular programme of technical cooperation.**

31. **In this regard, the Advisory Committee recalls that in the context of the proposed programme budget, the Secretary-General usually provides detailed information on the proposed resources for the Development Account and the regular programme of technical cooperation for the consideration of the General Assembly (see A/70/6 (Sect. 35), annex I, and A/70/6 (Sect. 23)). Such information should also have been provided in the present report for the consideration of the Assembly.**

32. **With respect to the proposals to expand the eligibility of the Development Account implementing entities and to rename the Development Account, as well as any other proposals related to the governance of the Development Account, the Committee considers that these are policy matters for the decision of the General Assembly.**

33. **In the light of the lack of information on the proposals relating to the Development Account and regular programme of technical cooperation, the Advisory Committee is not in a position at this stage to recommend approval of the related resource requirements.**

34. **The Advisory Committee recommends that the General Assembly request the Secretary-General to submit for the consideration of the Assembly, during the first resumed part of the seventy-first session, a comprehensive proposal that addresses the effective and efficient delivery of mandates in support of the two Agendas, taking into account the Committee's observations and comments. The Committee trusts that the report will include the information detailed in paragraph 35 below.**

IV. Other matters

35. The Advisory Committee enquired as to the administrative reporting lines and structure, as well as the project owner, for the implementation of the two Agendas. The Committee was informed that all Secretariat entities report to the Secretary-General, who is therefore ultimately accountable for the coordination of this effort. **The Advisory Committee considers this response to be insufficient and is of the view that the Secretary-General should provide more information on the organizational structure for the coordination of Secretariat activities in support of the implementation of the two Agendas, including information as to the governance structure within the Secretariat, the project owner, the reporting lines and the interaction with the United Nations System Chief Executives Board for Coordination.**

V. Conclusion

36. Paragraphs 173 to 178 of the report contain the actions requested of the General Assembly. **Subject to its comments and recommendations above and in its report (A/71/633), the Advisory Committee sets out its recommendations below. With respect to the revised estimates resulting from resolutions and decisions adopted by the Economic and Social Council during 2016, as detailed in the Committee's report (A/71/633), the Advisory Committee recommends approval of the proposed resources in the amount of $3,485,300, for which the related appropriation is being sought in the context of the reports of the Secretary-General (A/71/401 and Add.1).**

37. **The Advisory Committee also recommends approval of the appropriation in the amount of $6,142,600 in relation to the 2016 expenditures of the commitment authority approved by the General Assembly in resolution 70/248 A.**

38. **Concerning the requirements for 2017 related to the mandates in the two Agendas, the Advisory Committee recommends approval of appropriation in the amount of $5,745,700, taking into account its comments and recommendations in paragraphs 12, 17, 18 and 20 above.**

39. **In relation to the requirements for the strengthening of the Development Account and the regular programme of technical cooperation, the Advisory Committee recommends against approval of the proposed resources (see paras. 29-31, 33 and 34 above).**

40. **Regarding the proposed expansion of the eligibility of Development Account implementing entities and the proposed renaming of the Development Account, the Advisory Committee considers these to be policy matters for the decision of the General Assembly.**

41. **The Advisory Committee therefore recommends approval of appropriation in the total amount of $11,888,300 as indicated in paragraphs 37 and 38 above, which includes $607,200 required under section 36, Staff assessment, of the programme budget for the biennium 2016-2017, which is to be offset by an equivalent amount under income section 1, Income from staff assessment. The Committee notes that the amount net of staff assessment of**

$11,281,100 would represent a charge against the contingency fund for the biennium 2016-2017.

42. **The Advisory Committee also recommends approval of the proposed establishment of 15 temporary posts (4 P-5, 6 P-4, 4 P-3 and 1 General Service (Other level)), effective from 1 January 2017, under section 9, Economic and social affairs.**

43. **The Advisory Committee will consider the related requirements for the biennium 2018-2019 in the context of the proposed programme budget for the biennium 2018-2019.**

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Report of the Economic and Social Council

Programme budget for the biennium 2016-2017

Revised estimates resulting from resolutions and decisions adopted by the Economic and Social Council during 2016

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the reports of the Secretary-General on revised estimates resulting from resolutions and decisions adopted by the Economic and Social Council during 2016 (A/71/401 and A/71/401/Add.1). During its consideration of the reports, the Committee met with representatives of the Secretary-General, who provided additional information and clarification, concluding with written responses dated 7 November 2016.

2. During its 2016 and 2017 sessions, the Economic and Social Council adopted five resolutions, two decisions and one ministerial declaration in which it approved additional activities requiring modifications to the programme of work.[1] Summaries of the related additional requirements are annexed to the reports of the Secretary-General.

3. In respect of the report concerning the resolutions and the ministerial declaration adopted by the Council at its 2016 session (A/71/401), requirements amounting to $34,500 would be accommodated within the 2016-2017 appropriation and the amount of $180,000 would be accommodated within the commitment authority approved by the General Assembly in its resolution 70/248 A. Additional resources in the amount of $2,872,200 would be required for the biennium 2016-2017.

[1] Economic and Social Council resolutions 2016/10, 2016/11, 2016/12, 2016/28, 2017/2, decisions 2017/205, 2017/206; and ministerial declaration E/HLS/2016/1.

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4. In respect of the report concerning the resolution and decisions adopted by the Council at its 2017 session during 2016 (A/71/401/Add.1), requirements amounting to $556,000 would be accommodated within the commitment authority approved by the General Assembly in its resolution 70/248 A, and additional resources of $556,000 would be required for the biennium 2016-2017.

5. The additional requirements over and above the resources approved in the context of the programme budget for the biennium 2016-2017 would require an additional appropriation, and as such would represent a charge against the contingency fund (A/71/401, para. 81, and A/71/401/Add.1, para. 26). As the Advisory Committee makes related observations and recommendations in its report on supporting the implementation of the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development (A/71/632), the present report should be read in conjunction with that report.

II. Resolutions and decisions adopted by the Economic and Social Council during 2016

A. Resolution 2016/10: Economic and Social Commission for Western Asia strategy and plan of action on the 2030 Agenda for Sustainable Development

6. In its resolution 2016/10, the Council endorsed the strategy and plan of action of the Economic and Social Commission for Western Asia to support member States in the implementation of the 2030 Agenda for Sustainable Development, as set out in Commission resolution 322 (XXVIII). The Executive Committee of the Commission requested the secretariat of the Commission to submit periodic reports on the activities carried out in implementation of the strategy and plan of action and to take all necessary measures, including the provision of human and financial resources and the creation of a technical unit attached to it, for that purpose (A/71/401, paras. 6 and 7).

7. The Secretary-General indicates that the implementation of the requests contained in resolution 2016/10 would require additional recurrent activities and resource requirements under section 22, Economic and social development in Western Asia, of the programme budget for 2016-2017 (ibid., para. 8). Proposed resource requirements for the biennium (ibid., table 8) would amount to $1,893,600, comprising:

(a) $283,000 for four temporary posts (1 Economic Affairs Officer (P-4), 1 Economic Affairs Officer (P-3), 1 Social Affairs Officer (P-3) and 1 Administrative Assistant (Local level)), with effect from 1 January 2017 until 2030 (ibid., para. 11 (a));

(b) $673,800 for consultants;

(c) $686,600 for experts;

(d) $136,000 for travel of staff;

(e) $114,200 for contractual services.

The Advisory Committee was informed, upon enquiry, that all the temporary posts in the report were proposed for the period from 1 January 2017 until 31 December 2030.

8. According to the Secretary-General, the implementation of the requests contained in resolution 2016/10 would require modifications to outputs under subprogrammes 1 to 7 of section 22 of the programme budget for 2016-2017 (ibid., paras. 26-39).

B. Resolution 2016/11: Committing to the effective implementation of the 2030 Agenda for Sustainable Development in Asia and the Pacific

9. In its resolution 2016/11, the Council endorsed the actions requested by the Economic and Social Commission for Asia and the Pacific in paragraph 7 of its resolution 72/6, in which the Commission requested the Executive Secretary to promote the balanced integration of the three dimensions of sustainable development and provide annual updates and recommendations to member States, to support the process to define a regional road map for implementing the 2030 Agenda and address challenges to its achievement in Asia and the Pacific, and to strengthen support to member States in their efforts to implement the 2030 Agenda in an integrated approach (ibid., para. 40).

10. According to the report of the Secretary-General, the implementation of those requests would require additional annual activities and resources, starting in 2017, under section 19, Economic and social development in Asia and the Pacific, of the programme budget for 2016-2017 (ibid., para. 41). Proposed resource requirements for the biennium (ibid., table 12) would amount to $488,600, comprising:

(a) $163,600 for temporary posts (1 Programme Officer (P-4) and 1 Statistician (P-4)), with effect from 2017 until 2030 (ibid., paras. 42 (a) and 46 (a));

(b) $50,000 for consultants;

(c) $238,800 for experts;

(d) $26,200 for travel of staff;

(e) $10,000 for contractual services.

11. In addition, the implementation of the requests contained in resolution 2016/11 would require modifications to outputs under subprogrammes 4, 6 and 7 of section 19 of the programme budget for 2016-2017 (ibid., paras. 50-54).

C. Resolution 2016/12: Establishment of the Forum of the Countries of Latin America and the Caribbean on Sustainable Development

12. In its resolution 2016/12, the Council endorsed the establishment of the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, as set out in Economic Commission for Latin America and the Caribbean resolution 700 (XXXVI), entailing additional recurrent activities and resources under section 21, Economic and social development in Latin America and the Caribbean, of the programme budget for 2016-2017 (ibid., paras. 55 and 56). The Secretary-General

requests additional resources for the biennium (ibid., table 13) in the amount of $130,000, comprising:

(a) $60,000 for other staff costs;

(b) $30,000 for travel of staff;

(c) $10,000 for contractual services;

(d) $6,000 for general operating expenses;

(e) $4,000 for supplies and materials;

(f) $20,000 for consultants.

13. The implementation of the requests contained in resolution 2016/12 would require modifications, including the addition of new recurrent outputs, under the executive direction and management component of section 21 of the programme budget for 2016-2017 (ibid., para. 61).

14. The Advisory Committee recalls that in his report to the General Assembly at its seventy-first session on supporting the implementation of the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development (A/71/534), the Secretary-General indicated that that report replaced his previous report on the question (A/70/794) (see A/71/534, para. 2). The Committee notes that the explanatory paragraphs on resolutions 2016/10, 2016/11 and 2016/12 (see A/71/401) reflect language similar to that contained in the supplementary information provided on the three regional commissions in the context of document A/70/794.

15. Upon enquiry as to other regional commissions, the Advisory Committee was informed that while Economic Commission for Africa (ECA) resolutions 938 (XLIX), on integrated reporting and follow-up on sustainable development, and 939 (XLIX), on the Africa Regional Forum on Sustainable Development, were brought to the attention of the Economic and Social Council, no action was requested of or taken by the Council. With respect to the Economic Commission for Europe (ECE), the Committee was informed that the biennial session of ECE was last held in April 2015, prior to the adoption of the 2030 Agenda. The Committee was further informed that ECE member States were of the view that all financial and budgetary issues relating to the Commission were to be addressed through the Fifth Committee, and that ECE resource requirements for the 2030 Agenda were submitted pursuant to General Assembly resolution 70/247.

16. With respect to the resources for Africa and Europe, the Advisory Committee was informed, upon enquiry, that as there were no Economic and Social Council resolutions endorsing mandates related to ECA and ECE, no appropriation was sought for the two regions in the report of the Secretary-General. Upon enquiry as to which countries in the two regions received technical assistance from ECA and ECE, the Committee was informed that all countries in Africa benefited from technical assistance through ECA, including 34 least developed countries, while ECE supported all countries in the region, including 19 middle-income countries, in implementing the 2030 Agenda.

D. Resolution 2016/28: Ad Hoc Advisory Group on Haiti

17. By its resolution 2016/28, the Council decided to extend the mandate of the Ad Hoc Advisory Group on Haiti until the conclusion of the 2017 session, requested the Secretary-General to continue to support the activities of the Group adequately and within existing resources, and requested the Advisory Group to submit a report on its work to the Council for consideration at its 2017 session (ibid., para. 62).

18. It is estimated that the support to be provided to the Ad Hoc Advisory Group would amount to $34,500 for the travel of members of the Group ($27,000) and two staff members of the Department of Economic and Social Affairs ($5,000) and meetings support services in Haiti ($2,500). The Secretary-General proposes that those resource requirements be accommodated within section 9, Economic and social affairs, of the programme budget for 2016-2017 (ibid., paras. 63 and 64).

E. Ministerial declaration of the high-level segment of the 2016 session of the Economic and Social Council on the annual theme "Implementing the post-2015 development agenda: moving from commitments to results"

Ministerial declaration of the 2016 high-level political forum on sustainable development, convened under the auspices of the Economic and Social Council, on the theme "Ensuring that no one is left behind"

19. The report states that under the terms of paragraph 22 of the ministerial declaration of the high-level segment of the 2016 session of the Council and of the 2016 high-level political forum on sustainable development, the ministers and high representatives endorsed the outcome of the process of consultation on the scope, methodology and frequency of the Global Sustainable Development Report as well as its relationship to the Sustainable Development Goals progress report (ibid., para. 66).

20. It is indicated that additional requirements would amount to $540,000 for the biennium 2016-2017, of which $180,000 would be accommodated through the commitment authority approved by the General Assembly in its resolution 70/248 A. The Secretary-General requests additional resources in the amount of $360,000 under section 9 of the programme budget for 2016-2017 (ibid., table 16).

21. The implementation of the requests contained in the ministerial declaration would require modifications under section 9, including revisions to recurrent outputs under subprogramme 3, Sustainable development (ibid., para. 79).

F. Resolution 2017/2: Committee of Experts on International Cooperation in Tax Matters

Decision 2017/205: Arrangements for the twelfth and thirteenth sessions of the Committee of Experts on International Cooperation in Tax Matters and special meeting of the Council on international cooperation in tax matters

22. By its resolution 2017/2, the Council decided that, starting in 2017, one session of the Committee of Experts on International Cooperation in Tax Matters would be held in New York in the spring and one in Geneva in the fall, with the session in New York held back to back with the special meeting of the Council on international cooperation on tax matters. By its decision 2017/205, the Council decided that the twelfth session of the Committee would be held in Geneva from 11 to 14 October 2016, the thirteenth session would be held in New York from 5 to 8 December 2016 and the one-day special meeting of the Council on international cooperation in tax matters would be held in New York on 9 December 2016 (A/71/401/Add.1, paras. 3 and 4).

23. The report indicates that resources for the annual session in Geneva are included in the respective budget sections. With respect to the annual session in New York, related requirements for 2016 would be accommodated through the commitment authority approved by the General Assembly in its resolution 70/248 A. Additional resources in the amount of $508,000 would be required for 2017 under section 2, General Assembly and Economic and Social Council affairs and conference management ($271,000), and section 9, Economic and social affairs ($237,000), of the programme budget for 2016-2017 (ibid., table 1 and paras. 5, 9 and 10).

24. The implementation of the requests contained in resolution 2017/2 and decision 2017/205 would require modifications under section 9, including revisions to recurrent outputs under subprogramme 9, Financing for development (ibid., para. 15).

G. Decision 2017/206: Further working arrangements for the 2017 session of the Economic and Social Council

25. In its decision 2017/206, the Council decided that the 2017 Economic and Social Council forum on financing for development follow-up would convene from 22 to 25 May and would include the special high-level meeting with the Bretton Woods institutions, the World Trade Organization and the United Nations Conference on Trade and Development.

26. Resources relating to conference services for the annual Economic and Social Council forum on financing for development follow-up for 2016 would be accommodated through the commitment authority approved by the General Assembly in its resolution 70/248 A. The Secretary-General requests additional related resources for 2017 in the amount of $48,000 under section 2, General

Assembly and Economic and Social Council affairs and conference management, of the programme budget for 2016-2017 (ibid., paras. 19 and 20).

III. Conclusion

27. In respect of the report concerning the resolutions and the ministerial declaration adopted by the Council at its 2016 session (A/71/401), the actions requested of the General Assembly are set out in paragraphs 83 to 89 of the report. **Subject to its comments and recommendations above and in its report supporting the implementation of the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development (A/71/632), the Advisory Committee recommends approval of the proposed additional requirements in the amount of $2,872,200 over and above the approved programme budget for the biennium 2016-2017, comprising $360,000 under section 9, Economic and social affairs, $488,600 under section 19, Economic and social development in Asia and the Pacific, $130,000 under section 21, Economic and social development in Latin America and the Caribbean, and $1,893,600 under section 22, Economic and social development in Western Asia. In this regard, the Committee recommends approval of an additional appropriation of $2,872,200, representing a charge against the contingency fund for 2016-2017. The Committee will consider the related requirements for the biennium 2018-2019 in the context of the related programme budget proposal.**

28. **The Advisory Committee notes that an amount of $57,100 would also be required under section 36, Staff assessment, of the programme budget for the biennium 2016-2017, to be offset by an equivalent amount under income section 1, Income from staff assessment.**

29. **The Advisory Committee also recommends approval of the proposal to establish six temporary posts, with effect from 1 January 2017 to 31 December 2030, including four temporary posts (1 P-4, 2 P-3 and 1 Local level) under section 22 and two temporary posts (P-4) under section 19 to support the activities mandated by the Council in its resolutions 2016/10 and 2016/11, respectively.**

30. In respect of the report concerning the resolution and decisions adopted by the Council at its 2017 session during 2016 (A/71/401/Add.1), the actions requested of the General Assembly are set out in paragraphs 28 to 32 of the report. **Subject to its comments and recommendations above and in its report supporting the implementation of the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development (A/71/632), the Advisory Committee recommends approval of the proposed additional requirements in the amount of $556,000 over and above the approved programme budget for 2016-2017, comprising $319,000 under section 2, General Assembly and Economic and Social Council affairs and conference management, and $237,000 under section 9, Economic and social affairs. The Committee also recommends approval in this regard of an additional appropriation in the amount of $556,000, representing a charge against the contingency fund for 2016-2017. The Committee will consider the**

related requirements for the biennium 2018-2019 in the context of the related programme budget proposal.

31. The Advisory Committee's observations and recommendations pertaining to the commitment authority approved by the General Assembly in its resolution 70/248 A and the related appropriation are contained in document A/71/632.

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Review of the efficiency of the administrative and financial functioning of the United Nations

Proposed programme budget outline for the biennium 2018-2019

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions considered the report of the Secretary-General on the proposed programme budget outline for the biennium 2018-2019 (A/71/428), which was submitted pursuant to General Assembly resolution 41/213. During its consideration of the report, the Advisory Committee met with representatives of the Secretary-General, who provided additional information and clarification, concluding with written responses received on 23 November 2016.

II. Preliminary estimate of resources for the biennium 2018-2019

2. The report of the Secretary-General indicates that the total preliminary estimate of resources reflects a budget outline level of $5,429.9 million for the biennium 2018-2019, inclusive of $1,124.4 million for special political missions. The report states that real growth is estimated at $21.2 million or 0.4 per cent compared with the appropriation for the biennium 2016-2017.

3. The base used by the Secretary-General for the budget outline level comprises the approved level of resources of $5,408.7 million for the biennium 2016-2017[1] and an amount of $21.2 million in estimated net changes, or real growth, for the biennium 2018-2019, which is the result of: (a) a decrease of $65.7 million in connection with the biennium 2016-2017 owing to lower one-time costs, as approved

[1] General Assembly resolutions 70/249 A-C and 70/248 B and C.

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by the General Assembly in various resolutions (see A/71/428, paras. 10-12), partially offset by higher requirements for new posts and other estimated resource changes (ibid., paras. 7-9, 13 and 14 (table 4)); and (b) an increase of $86.9 million related to financial implications arising from initiatives currently before the Assembly (ibid., annex II). In addition, the Secretary-General recommends that the level of the contingency fund for 2018-2019 be maintained at 0.75 per cent of the overall budget level.

4. The Advisory Committee notes that the above-noted net decrease of $65.7 million for the biennium 2016-2017 is inclusive of a number of "other estimated resource changes for the biennium 2018-2019", such as the alignment of funding for the normative and operational functions of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women); safety and security requirements for the United Nations Relief and Works Agency for Palestine Refugees in the Near East; the implementation of the policy on the human rights screening of United Nations personnel; the Human Rights Up Front initiative; and the strengthening of the Organization's occupational safety and health (including mental health space) services and support on all Secretariat and field matters (A/71/428, paras. 13 (b) and (c)).

5. **The Advisory Committee points out, once again, that the budget outline level presented in the report of the Secretary-General continues to include resources for established activities along with estimates relating to other activities or entities that are under consideration by the General Assembly or that will constitute new proposals during the biennium 2018-2019. In this connection, the Committee reiterates its view, which was endorsed by the Assembly in its resolution 69/264, that the budget outline document should clearly distinguish between estimates in support of mandated activities (which should be included in the preliminary estimate) and estimates relating to other activities or initiatives that have yet to be considered or are under consideration by the Assembly (which should be reflected in annex II to the budget outline document) (see A/69/556, paras. 8 and 9).**

6. **Therefore, the Advisory Committee questions the inclusion, in the aggregate amount of the preliminary estimate for the biennium 2018-2019, of initiatives or activities not yet considered by the General Assembly (see also A/69/556, para. 2). The Committee points out that preliminary estimates based only on established activities amount to $5,340.8 million (see annex I to the present report). Furthermore, the Committee regrets that a number of inconsistencies have remained with respect to the presentation of the document, affecting its clarity and the transparency of the calculation of the budget outline level and the resource changes between bienniums.**

7. Upon enquiry, the Advisory Committee received an updated table, as at 22 November 2016, relating to the figures contained in annex II to the report of the Secretary-General on financial implications arising from initiatives currently before the General Assembly and those yet to be submitted, showing a potential increase to the budget outline level for the biennium 2018-2019 in the amount of $99.09 million (see annex II to the present report). The figures concerning matters currently under consideration by the Assembly include: (a) revisions to the cost plan for the construction of new office facilities at the Economic Commission for Africa

and the renovation of conference facilities, including Africa Hall; (b) implications of the implementation of the new common system compensation package in the United Nations Secretariat; and (c) financial implications arising from draft resolutions adopted by the General Assembly at its seventy-first session (information provided by the Main Committees) (see annex II to the present report). In some cases, the amounts reflect the financial implications resulting from recommendations of the Advisory Committee, while in other cases the relevant amounts were not available at the time of the finalization of the present report.

8. In annex II of his report, the Secretary-General indicates lower requirements, in the amount of $3.52 million, for the biennium 2016-2017 in connection with the implementation of the new common system compensation package in the United Nations Secretariat,[2] which were to be reflected in the first performance report. Upon enquiry, the Advisory Committee was informed that, as at 31 October 2016, the amount had been reduced to $930,000. The Committee was informed that this adjustment arose following the Secretary-General's recent indication that the Secretariat could now comply with the implementation date of 1 January 2017 for the unified base/floor salary scale as mandated by the General Assembly in its resolution 70/244 (sect. III, para. 3) and as reflected by the Committee in its latest report on human resources management (A/71/557, para. 133).[3]

9. **The Advisory Committee trusts that any further adjustments relating to its comments and recommendations contained in its report on the administrative and financial implications of the decisions and recommendations contained in the report of the International Civil Service Commission for the year 2016 (A/71/564) will be applied, as needed, to the resource estimates for the biennium 2018-2019 and will be presented to the General Assembly upon consideration of the present report.**

10. The Secretary-General indicates that the General Assembly, in its resolution 70/249 A, appropriated an amount of $1,124.4 million for special political missions for the biennium 2016-2017. The Secretary-General indicates further that, on the basis of the experience in the current biennium, adjusted for missions whose mandates have been completed or discontinued and for missions whose mandates were expanded subsequent to the approval of the provision for special political missions for 2016-2017, it is estimated that the full biennial provision for special political missions for 2018-2019 would amount to $1,189.0 million, representing an increase of $64.6 million. The Secretary-General also states that, given the expenditure patterns with respect to special political missions over the past two bienniums, it is proposed that the preliminary estimate for special political missions be maintained at the current approved level of $1,124.4 million.

11. Upon enquiry, the Advisory Committee was provided with comparative data for special political missions with respect to recent bienniums, as follows:

[2] Related to the report of the Secretary-General on the implementation of the new common system compensation package in the United Nations Secretariat (A/70/896 and Corr.1).

[3] Also see the reports of the Advisory Committee on the administrative and financial implications of the decisions and recommendations contained in the report of the International Civil Service Commission for the year 2016 and the year 2014 (A/71/564 and A/69/546).

(Millions of United States dollars)

	Final appropriation			*Final expenditure*			*Unencumbered balance*		
Biennium	*RB*	*SPM*	*Total*	*RB*	*SPM*	*Total*	*RB*	*SPM*	*Total*
2010-2011	4 224	1 192	5 416	4 229	1 185	5 414	(5)	8	2
2012-2013	4 365	1 200	5 565	4 346	1 179	5 525	19	21	40
2014-2015	4 636	1 173	5 809	4 575	1 114	5 689	61	59	120

Abbreviations: RB: regular budget; SPM: special political missions.

12. **The Advisory Committee notes from the table above that unused balances with respect to special political missions range from $8 million in the biennium 2010-2011 to $59 million in the biennium 2014-2015, which are below the present request for an additional $64.6 million for the biennium 2018-2019. The Committee notes that its consideration of the most recent reports of the Secretary-General on estimates in respect of special political missions,[4] and possible new missions was ongoing at the time of consideration of the report of the Secretary-General on the budget level outline for the biennium 2018-2019. Therefore, the Committee is of the view that the full provision of $1,189 million for special political missions appears to be a more realistic budgetary assumption than the initial appropriation of $1,124 million proposed in the budget outline.**

13. With respect to the enterprise resource planning project (Umoja), the Secretary-General estimates that the realization of benefits or anticipated reduced requirements in this connection would amount to $27.8 million for the biennium 2018-2019 (see A/71/428, annex II). Upon enquiry, the Advisory Committee was informed that the apportionment of Umoja-related benefits across all budget parts will be included in the forthcoming proposed programme budget and that, in particular, the share of benefits to be allocated to special political missions was expected to be higher as compared to other offices. In this connection, the Committee's observations and recommendations on the eighth progress report on Umoja (A/71/390) are contained in its report (A/71/628). In that report, the Committee recommends that the Secretary-General be requested to conduct a detailed analysis of the total costs and benefits of the project, including the indirect costs borne by the implementing entities, and to refresh the business case, taking into account the comments and recommendations of the Board of Auditors. **The Advisory Committee points out that the resource estimates for the biennium 2018-2019 in respect of Umoja could be impacted as a result of the consideration by the General Assembly of the above-mentioned progress report on the enterprise resource planning project.**

14. As regards the global service delivery model for the United Nations Secretariat, the Secretary-General indicates that net additional requirements would amount to $512,600 (see A/71/428, annex II). Upon enquiry, the Advisory Committee was informed that this amount relates to the programme budget portion of the proposed project management team for the biennium, exclusive of benefits of

[4] A/71/365 and Adds.1-6.

the global service delivery model related to the expansion of shared services to the field. In this connection, the Committee was informed that the detailed proposal of the initial implementation of the global service delivery model would be presented in the Secretary-General's proposed programme budget for the biennium 2018-2019 and that the projected benefits would amount to $21.68 million. The Committee was also informed that the implementation of the initial consolidation would be mostly cost neutral, with no quantitative benefits to be realized until the biennium 2020-2021. **The Advisory Committee points out that its observations and recommendations with respect to the most recent report of the Secretary-General on the global service delivery model for the United Nations Secretariat (A/71/417) were yet to be finalized at the time of the Committee's consideration of the report of the Secretary-General. Details of any related adjustments recommended by the Committee should be presented to the General Assembly upon consideration of the present report.**

III. Proposal to consolidate the statements on programme budget implications

15. In paragraphs 21 to 24 of his report, the Secretary-General describes his proposal to consolidate into one report the statements on the programme budget implications of all draft resolutions recommended by the Main Committees for adoption by the General Assembly and to submit such a report for the review by the Advisory Committee and the Assembly. The Secretary-General also indicates that the envisaged consolidated report would not include the revised estimates relating to resolutions and decisions adopted by the Economic and Social Council and the Human Rights Council, which would still be presented in separate reports. Furthermore, the Secretary-General proposes such a consolidated report could be submitted on an experimental basis during the biennium 2018-2019, with a review thereon to be presented to the Assembly at the main part of its seventy-third session in the context of the report of the Secretary-General on the proposed programme budget outline for the biennium 2020-2021.

16. Upon enquiry, the Advisory Committee was informed that no anticipated budgetary implications would arise from this proposal and that there would be no impact on the regulatory framework governing programme budget implications. The Committee was furthermore informed that the consolidation would only concern statements of programme budget implications arising from the deliberations of the Main Committees during the main session of the General Assembly, with any programme budget implications arising outside of the main session to be presented individually. Upon enquiry, the Committee was informed that the Secretary-General proposes a deadline of 1 December for the submission of a consolidated report on the basis of all programme budget implications finalized through the end of November; any subsequent submissions of programme budget implications would be prepared and submitted individually.

17. **The Advisory Committee is not convinced that the proposed consolidation of statements on programme budget implications of draft resolutions would yield any significant concrete benefits and therefore recommends against the proposal.**

IV. Conclusion

18. As noted by the Secretary-General in paragraph 26 of his report, as reports are finalized, further updates to annex II to his report will be provided as supplementary information to the General Assembly during the main part of its seventy-first session, and will have an impact on the estimated budget outline level for the biennium 2018-2019. In this regard, the Committee notes that the preliminary estimates of $5,340.8 million for the biennium 2018-2019 (see annex I to the present report) do not include provisions for the implementation of those requirements that are under consideration by the Assembly (see annex II to the present report). Subject to approval by the Assembly, and in accordance with Assembly resolutions 41/213 and 42/211, those requirements will be reflected in the proposed programme budget for the biennium 2018-2019.

19. The Advisory Committee recommends approval of the proposal of the Secretary-General to maintain the level of the contingency fund at 0.75 per cent of the overall budget level for the biennium 2018-2019.

Annex I

Preliminary estimate for the biennium 2018-2019

(Millions of United States dollars)

Part of programme budget	*2016-2017 appropriation*[a]	*Resource change*		*Total*
		Amount	*Percentage*	
I. Overall policymaking, direction and coordination	735.6	(8.9)	(1.2)	726.6
II. Political affairs (not including special political missions)	257.7	2.5	1.0	260.3
III. International justice and law	94.8	(1.1)	(1.2)	93.7
IV. International cooperation for development	464.6	2.6	0.5	467.2
V. Regional cooperation for development	542.6	0.2	0.0	542.8
VI. Human rights and humanitarian affairs	364.1	(8.2)	(2.3)	355.9
VII. Public information	188.0	(0.1)	(0.0)	188.0
VIII. Common support services	589.6	(10.9)	(1.8)	578.7
IX. Internal oversight	40.2	0.2	0.6	40.4
X. Jointly financed administrative activities and special expenses	164.7	–	–	164.7
XI. Capital expenditures	97.1	(44.8)	(46.2)	52.3
XII. Safety and security	234.3	0.1	–	234.4
XIII. Development Account	28.4	–	–	28.4
XIV. Staff assessment	482.6	0.6	0.1	483.2
(i) Subtotal, regular budget established activities	**4 284.3**	**(67.9)**[b]	**(1.6)**	**4 216.4**
Provision for special political missions[c]	1 124.4	–	–	1 124.4
(ii) Subtotal, special political missions	**1 124.4**	**–**	**–**	**1 124.4**
Total preliminary estimate for 2018-2019	**5 408.7**	**(65.7)**	**(1.3)**	**5 340.8**

[a] Reflects the approved appropriations pursuant to General Assembly resolutions 70/249 A-C and 70/248 B and C.

[b] Comprises the removal of one-time costs ($79.1 million), offset in part by additional requirements to reflect the biennial provision for new posts established in 2016-2017 ($8.5 million) and other estimated resource changes for the biennium 2018-2019 ($2.7 million) (see A/71/428, para. 13 (a)).

[c] Does not yet reflect the special political mission share of Umoja benefits of $27.8 million and provisions for the United Nations Mission in Colombia.

Annex II

Impact of items before the General Assembly and foreseeable items yet to be considered on the proposed programme budget outline for the biennium 2018-2019

(Thousands of United States dollars)

A.	**First performance report (A/71/___)**	
	Additional appropriation	
	(a) Unforeseen and extraordinary expenses	TBD
	(b) Revised estimates currency and inflation	TBD
	(c) Revised estimates for vacancy rate, and adjustments to standard costs	TBD
	Advisory Committee on Administrative and Budgetary Questions	–
	First performance report	–
	Not required for 2018-2019	TBD
	Total, net first performance report	**TBD**
B.	**Revised estimates (reports to be considered by the General Assembly at its seventy-first session)**	
1.	Report of the Secretary-General on the system of administration of justice at the United Nations (A/71/163)	
	Requirements for 2016-2017	2 690.8
	One-time cost in 2016-2017 not required in 2018-2019	(242.5)
	Advisory Committee (A/71/436)	(877.6)
	Fifth Committee	TBD
	Net additional requirements for 2018-2019	1 570.7
	Total, system of administration of justice	**3 141.4**
2.	Report of the Secretary-General on the ECA Africa Hall project (A/71/370)	
	Requirements for 2016-2017	–
	One-time cost in 2016-2017 not required in 2018-2019	–
	Advisory Committee (A/71/549)	–
	Fifth Committee	TBD
	Net additional requirements for 2018-2019	23 812.2
	Total, ECA construction	**23 812.2**
3.	Report of the Secretary-General on the ESCAP seismic project (A/71/333 and Corr. 1)	
	Requirements for 2016-2017	877.4
	One-time cost in 2016-2017 not required in 2018-2019	(877.4)
	Advisory Committee (A/71/570)	–
	Fifth Committee	TBD
	Net additional requirements for 2018-2019	12 785.0
	Total, ESCAP seismic project	**12 785.0**

4 Revised estimates resulting from resolutions and decisions adopted by the Economic and Social Council at its organizational sessions and the substantive session of 2016 (A/71/401)	
Requirements for 2016-2017	2 929.3
One-time cost in 2016-2017 not required in 2018-2019	–
Advisory Committee	TBD
Fifth Committee	TBD
Net additional requirements for 2018-2019	2 473.4
Total, Economic and Social Council	**5 402.7**
5 Addendum to the revised estimates resulting from resolutions and decisions adopted by the Economic and Social Council at its resumed session of 2016 (A/71/401/Add.1)	
Requirements for 2016-2017	556.0
One-time cost in 2016-2017 not required in 2018-2019	–
Advisory Committee	TBD
Fifth Committee	TBD
Net additional requirements for 2018-2019	556.0
Total, Economic and Social Council Add.1	**1 112.0**
6 Report of the Secretary-General on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its thirty-first, thirty-second and thirty-third sessions (A/71/623)	
Requirements for 2016-2017	14 910.5
One-time cost in 2016-2017 not required in 2018-2019	(11 269.0)
Advisory Committee	TBD
Fifth Committee	TBD
Net additional requirements for 2018-2019	5 504.0
Total, thirty-first, thirty-second and thirty-third sessions of the Human Rights Council	**9 145.5**
7 Financial implications resulting from supporting the implementation of the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development	
Requirements for 2016-2017	24 496.8
One-time cost in 2016-2017 not required in 2018-2019	(6 142.6)
Advisory Committee	TBD
Fifth Committee	TBD
Net additional requirements for 2018-2019	13 689.3
Total, 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda	**32 043.5**
8 Proposed United Nations Secretariat contribution to the United Nations Development Group cost-sharing arrangement for the resident coordinator system (A/70/703)	
Requirements for 2016-2017	13 321.6
One-time cost in 2016-2017 not required in 2018-2019	–
Advisory Committee (A/70/7/Add.48)	(6 785.9)

Fifth Committee	TBD
Net additional requirements for 2018-2019	TBD
Total, United Nations Secretariat contribution to the United Nations Development Group cost-sharing arrangement for the resident coordinator system	**6 535.7**
9. Report of the Secretary-General on the status of the information and communications technology strategy (A/71/400)	
Requirements for 2016-2017	–
One-time cost in 2016-2017 not required in 2018-2019	–
Advisory Committee	TBD
Fifth Committee	TBD
Net additional requirements for 2018-2019 (including Umoja maintenance)	7 336.8
Total, status of the information and communications technology strategy	**7 336.8**
10. Eighth progress report on the enterprise resource planning project (A/71/390)	
Requirements for 2016-2017	4 021.8
One-time cost in 2016-2017 not required in 2018-2019	(4 021.8)
Advisory Committee	TBD
Fifth Committee	TBD
Requirements for 2018-2019 (Direct projects costs)	11 670.0
Net additional requirements for 2018-2019 (Umoja benefits)	(27 800.0)
Total, Umoja	**(16 130.0)**
11. Implementation of the new common system compensation package in the United Nations Secretariat (A/70/896 and Corr.1)	
Requirements for 2016-2017 (*to be reflected in first performance report*)	(930.0)
One-time cost in 2016-2017 not required in 2018-2019	–
Advisory Committee (A/70/961)	TBD
Fifth Committee	TBD
Net additional requirements for 2018-2019 (*estimated reduction of $18.7 million will be included as part of recosting for the proposed programme budget 2018-2019*)	–
Total, implementation of the new common system compensation package	**(930.0)**
12. Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure on the administrative and financial implications of the decisions and recommendations contained in the report of the International Civil Service Commission for the year 2016 (A/C.5/71/3)	
Requirements for 2016-2017 (*to be reflected in first performance report*)	3 297.9
One-time cost in 2016-2017 not required in 2018-2019	–
Advisory Committee	TBD
Fifth Committee	TBD
Net additional requirements for 2018-2019 (*estimated increase of $2.0 million will be included as part of recosting for 2018-2019*)	–
Total, International Civil Service Commission	**3 297.9**

13. Report of the Secretary-General on the proposed restructuring of OHCHR (A/71/218 and Corr.1)	
Requirements for 2016-2017	(301.8)
One-time cost in 2016-2017 not required in 2018-2019	–
Advisory Committee (A/71/584)	–
Fifth Committee	TBD
Net additional requirements for 2018-2019	301.8
Total, proposed restructuring of OHCHR	–
14. Reform of operational arrangements for the Advisory Committee on Administrative and Budgetary Questions	
Requirements for 2016-2017	–
One-time cost in 2016-2017 not required in 2018-2019	–
Fifth Committee	TBD
Net additional requirements for 2018-2019	TBD
Total, reform of operational arrangements for the Advisory Committee on Administrative and Budgetary Questions	**TBD**
15. Process for global reporting and assessment of the state of the marine environment, including socioeconomic aspects	
Requirements for 2016-2017	TBD
One-time cost in 2016-2017 not required in 2018-2019	TBD
Advisory Committee	TBD
Fifth Committee	TBD
Net additional requirements for 2018-2019	TBD
Total, process for global reporting and assessment of the state of the marine environment, including socioeconomic aspects	**TBD**
16. Report of the Secretary-General on the global service delivery model (A/71/417)	
Requirements for 2016-2017	256.3
One-time cost in 2016-2017 not required in 2018-2019	–
Advisory Committee	TBD
Fifth Committee	TBD
Net additional requirements for 2018-2019	256.3
Total, global service delivery model[a]	**512.6**
17. Programme budget implications: treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (A/C.1/71/L.65/Rev.1)	
Requirements for 2016-2017	295.9
One-time cost in 2016-2017 not required in 2018-2019	(295.9)
Advisory Committee	–
Fifth Committee	TBD
Net additional requirements for 2018-2019	295.9
Total, programme budget implications	**295.9**

18 Programme budget implications: implementation of the outcome of the United Nations Conference on Housing and Sustainable Urban Development (Habitat III) and strengthening of the United Nations Human Settlements Programme (UN-Habitat) (A/C.2/71/L.36)	
Requirements for 2016-2017	TBD
One-time cost in 2016-2017 not required in 2018-2019	TBD
Advisory Committee	TBD
Fifth Committee	TBD
Net additional requirements for 2018-2019	TBD
Total, programme budget implications	**TBD**
19 Programme budget implications: additional meeting time for the Human Rights Council	
Requirements for 2016-2017	TBD
One-time cost in 2016-2017 not required in 2018-2019	TBD
Advisory Committee	TBD
Fifth Committee	TBD
Net additional requirements for 2018-2019	TBD
Total, programme budget implications, additional meeting time for the Human Rights Council	**TBD**

C. Financial implications arising from resolutions adopted by the General Assembly at its seventy-first session

Biennial programme plan for the biennium 2018-2019 for programme 24, Public information (related to recommendations of Committee for Programme and Coordination on programme 24, as contained in its report (A/71/16)). Draft resolution on United Nations public information policies and activities contained in the report of the Committee on Information (A/71/21)	7 094.8
Review of budget allocations to the Office of the President of the General Assembly (resolution 70/247)	454.0
Nuclear disarmament verification (A/C.1/71/L.57/Rev.1)	706.7
Transparency in armaments (A/C.1/71/L.21)	418.7
Countering the threat posed by improvised explosive devices (A/C.1/71/L.68)	37.6
The illicit trade in small arms and light weapons in all its aspects (A/C.1/71/L.25)	1 070.0
Political declaration of the high-level meeting of the General Assembly on antimicrobial resistance (A/71/L.2)	37.6
"International Decade for Action, 'Water for Sustainable Development' — 2018-2028" (A/C.2/71/L.12)	37.6
Promotion of international cooperation to curb and recover illicit financial flows (A/C.2/71/L.31)	75.2
Cooperation between the United Nations and the International Criminal Police Organization — A/71/L.17	37.6
Global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/C.3/71/L.48/Rev.1)	180.8
Child, early and forced marriage (A/C.3/71/L.13/Rev.1)	62.0
Preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption (A/C.3/71/L.11/Rev.1)	435.2
Protecting children from bullying (A/C.3/71/L.18/Rev.1)	37.6
Follow-up to and implementation of the SIDS Accelerated Modalities of Action (SAMOA) Pathway and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States (A/C.2/71/L.41)	44.8

Quadrennial comprehensive policy review of operational activities for development of the United Nations system (A/C.2/71/L.37)	TBD
Strengthening and enhancing of the effective functioning of the of human rights treaty body system (resolution 68/268)	TBD
Total, financial implications arising from resolutions adopted by the General Assembly at its seventy-first session	**10 730.2**
D. Reports anticipated at the seventy-second session	
Construction: United Nations Office at Nairobi	TBD
Construction: ECA	TBD
Construction: ECLAC	TBD
Strategic capital review on strengthened maintenance of premises	TBD
Strengthening property management in the Secretariat	TBD
Total, reports anticipated at the seventy-second session	**TBD**
E. Other resource changes (see A/71/428, para. 13 (c))	**2.2**
Overall preliminary estimates as at 22 November 2016 (total A-E)	**99 092.5**

Abbreviations: ECA, Economic Commission for Africa; ECLAC, Economic Commission for Latin America and the Caribbean; ESCAP, Economic and Social Commission for Asia and the Pacific; TBD, to be determined; OHCHR, Office of the United Nations High Commissioner for Human Rights.

[a] Does not yet reflect benefits of the global service delivery model related to the expansion of shared services to the field.

United Nations A/71/635

General Assembly

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Seventy-first session
Agenda item 134
Programme budget for the biennium 2016-2017

Revised estimates relating to the programme budget for the biennium 2016-2017 under section 7, International Court of Justice

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General containing proposals for the revised estimates relating to the programme budget for the biennium 2016-2017 under section 7, International Court of Justice (A/71/560). During its consideration of the report, the Advisory Committee met with representatives of the Secretary-General, who provided additional information, concluding with written responses received on 21 November 2016.

2. In his report, the Secretary-General indicates that by an order dated 31 May 2016, the International Court of Justice decided to arrange for an expert opinion in the case of the maritime delimitation in the Caribbean Sea and the Pacific Ocean between Costa Rica and Nicaragua. Two experts were appointed by the President of the Court on 16 June 2016. In order to render their opinion, the Secretary-General states that the experts will conduct two site visits, draft a report, answer questions and travel to The Hague to be examined in the related case hearings. In addition, the Registrar has appointed two Registry staff members who will assist the experts including during the site visits.

II. The current situation of the Court

3. The Secretary-General indicates in his report that the overall resources of the Court approved for the biennium 2016-2017 amount to $45,975,700, reflecting a

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net decrease of $5,084,000 (or 10 per cent) compared with the appropriation for 2014-2015.

4. The Secretary-General also indicates that for the first nine months of the biennium, the Court had spent 37 per cent of the budget appropriation for the biennium, which is, according to the Secretary-General, a standard pace of expenditure for the Court (see A/71/560, para. 17). As at 21 October 2016, the Court had rendered five judgments and received three new applications and one request for provisional measures in 2016, with 11 cases pending (ibid., para. 5). Upon enquiry, the Advisory Committee was informed that the Court intended to respect the distribution of resources between the different objects of expenditure as set out in the approved initial appropriation for 2016-2017.

III. The resource requirements

5. The estimated requirements to carry out the Court's order amount to $170,000. The Advisory Committee notes that in table 1 of the report of the Secretary-General, which specifies the additional resource requirements by object of expenditures, the entire proposed appropriation of $170,000 is listed under "Consultants". However, the Advisory Committee was informed upon enquiry that the required resources include the following:

- Two experts: $145,283 in estimated expenditures made up of: (a) honorariums ($84,000); (b) travel on two planned missions ($27,130); (c) travels to The Hague for hearings ($14,662); (d) trip to The Hague before hearings ($9,745); and (e) trip to The Hague after hearings ($9,745).
- Travel on mission of two Registry staff members: $20,092 to cover the costs of two missions.
- Other costs: $4,913, including the costs of satellite images.

6. It is proposed that these requirements will be met as follows:

- $50,000, which was already provided by the Secretary-General in accordance with General Assembly resolution 70/250 on unforeseen and extraordinary expenses for 2016-2017. The related appropriation will be sought in the context of the first performance report.
- $120,000, which is requested in the present revised estimates under section 7, International Court of Justice.

7. The Advisory Committee was informed, upon enquiry, that the revised estimates were presented with reference to the special status conferred upon the International Court of Justice under financial regulation 2.14 of the Financial Regulations and Rules of the United Nations. According to the Secretary-General, the proposal is different from the revised estimates triggered by mandates issued by the General Assembly and the Security Council, as set out under regulation 2.8. It is therefore proposed that the requested expenditures are not to be charged against the contingency fund.

IV. Travel of staff members

8. The expenditure breakdown as indicated above includes $20,092 to cover the travel costs of two Registry staff members assigned to the experts. Upon enquiry, the Advisory Committee was informed that the assistance of the two Registry staff members was essential for ensuring the proper and independent exercise of the experts' duties. The appointment of such Registry staff members has occurred once previously (Corfu Channel case (*United Kingdom of Great Britain and Northern Ireland vs. Albania*)). **While recognizing the need for the two accompanying staff members in the present case, the Advisory Committee considers that each case should be considered on its own merit without creating a precedent for future cases.**

9. The Advisory Committee considers that the expenses related to the two trips of the two Registry staff members, between The Hague and the field sites, should be absorbed by the budget of the Court in the initial appropriation for 2016-2017, within the resources already authorized under non-post objects of expenditure. The Committee notes, in this regard, that the initial appropriation for staff travel amounts to $91,300 for the biennium 2016-2017, out of which only $32,700 has been spent as at 30 September 2016, leaving an unspent balance of $58,600. **Consequently, the Advisory Committee recommends that requirements in the amount of $20,000 be absorbed within the Court's overall appropriation for non-post resources.**

V. Conclusion

10. The actions requested of the General Assembly are listed under paragraph 18 of the report of the Secretary-General (A/71/560).

11. **Taking into account the comments and recommendations above, the Advisory Committee recommends that the General Assembly authorize the Secretary-General to enter into commitments in the amount of $100,000 to provide for the requirements of the International Court of Justice for the biennium 2016-2017 and requests that the Secretary-General report thereon in his second performance report.**

United Nations A/71/636–S/2016/994

General Assembly
Security Council

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General Assembly
Seventy-first session
Agenda item 32
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Seventy-first year

Identical letters dated 23 November 2016 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith the third quarterly report (for the period July-September 2016) of the Ministry of Foreign Affairs of Georgia on the human rights situation in the occupied regions of Georgia (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 32, and of the Security Council.

(*Signed*) Kaha **Imnadze**
Ambassador
Permanent Representative

16-21187 (E) 161216

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Annex to the identical letters dated 23 November 2016 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Third Quarterly Report (July-September 2016) of the Ministry of Foreign Affairs of Georgia on the Human Rights Situation in the Occupied Regions of Georgia

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I. Introduction

Aims of the Report and Methodology Applied

1. In January 2015 the Ministry of Foreign Affairs of Georgia started preparation of quarterly reports aiming at assessing the human rights situation in the occupied regions of Georgia. The Ministry of Foreign Affairs of Georgia prepared four such reports in 2015. This is the third quarterly report of the Ministry of Foreign Affairs of Georgia for the year 2016 covering the period of July-September 2016. The Ministry of Foreign Affairs of Georgia will further continue the preparation of such reports on a quarterly basis. This reporting exercise aims to contribute to the provision of regular and updated information to the international community, to states as well as to international intergovernmental and non-governmental organizations, on the human rights situation in the occupied regions of Georgia.

2. As for the applied methodology, this reporting exercise consolidates and assesses existing information from various open sources, national and international, on violations of human rights in the occupied regions of Georgia. Due to limitations on its length, the report does not aim to collect/contain information on all cases of violations of human rights in the occupied regions of Georgia; it aims to consolidate and assess only some of the most known examples of violations. The methodology applied does not provide for the conduct of fact-finding visits to the occupied regions of Georgia, nor to the conduct of interviews. Therefore the methodology applied does not enable this reporting exercise to collect and produce new data on the human rights situation in the occupied regions of Georgia.

Responsibility of the Occupying Power for Human Rights Violations

3. While the territories of two regions of Georgia — Abkhazia, Georgia and the Tskhinvali Region, Georgia are occupied by the Russian Federation, human rights situation in these regions of Georgia remains alarming. The Russian Federation as the occupying power, exercises effective control over Abkhazia, Georgia and the Tskhinvali Region, Georgia. These two regions still remaining under foreign military occupation, constitute above all dangerous "black holes" in terms of holding the human rights violators accountable. The occupying power, exercising effective control, has been preventing numerous international organizations from entering Abkhazia, Georgia and the Tskhinvali Region, Georgia.

4. During the reporting period, namely at the Twenty-Fifth Annual Session of the OSCE Parliamentary Assembly, held from 1st to 5th July 2016, "Resolution on the Conflict in Georgia" was adopted.[1] According to the adopted resolution, "the Russian Federation remains in breach of International Law ... by continuing the policy of occupation and creeping annexation of the regions of Georgia - Abkhazia and Tskhinvali/South Ossetia".[2] The resolution "[u]rges the Russian Federation to ... stop occupation of the territories of Georgia."[3] The resolution attested "the grave

[1] *Resolution on the Conflict in Georgia*, Twenty-Fifth Annual Session of the OSCE Parliamentary Assembly, Tbilisi, Georgia, 1-5 July 2016, pages 25-26, available at <https://www.oscepa.org/documents/all- documents/annual-sessions/2016-tbilisi/declaration-24/3371-tbilisi-declaration-eng/file>

[2] *See* paragraph 6

[3] *See* paragraph 12

humanitarian and human rights situation in the occupied regions of Georgia – Abkhazia and Tskhinvali/South Ossetia."[4]

5. During the reporting period, namely on 29 September 2016, at the 33rd Session of the UN Human Rights Council, "Joint Statement on Georgia"[5] was made on behalf of 46 countries.[6] According to the Joint Statement, "[t]he international community remains deeply concerned by the human rights and humanitarian situation in both Georgian regions and the repeated denial of access to international actors, including Special Procedures and regional organizations to the regions. The above document further states "[w]e recall the UN High Commissioner's assessment of the situation in both regions, during the last visit to Georgia in May 2014 and the refusal of those in control to allow the OHCHR the access to these regions. We continue to call for safe and unhindered access by international and regional human rights mechanisms to both regions for the benefit of all conflict-affected persons and those in need of protection. It is of an utmost importance to assist international monitors in concluding an objective and independent reporting of the situation on the ground."[7]

6. During the reporting period, namely on 13th September 2016, Mr Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, while addressing the 33rd Session of the UN Human Rights Council, declared the following "I am deeply concerned over the repeated refusals to permit access for my staff to both Abkhazia and South Ossetia by those in effective control — despite the Secretary-General's emphasis on the importance of that access in the context of the Geneva International Discussions. We continue to receive allegations of violations, including killings, arbitrary detentions, torture and ill-treatment and restricted freedom of movement. Other serious concerns include unresolved queries regarding missing persons and persistent difficulties regarding access to livelihood, education, property rights and administrative documentation, as well as the need to ensure the space for civil society and independent media."[8]

7. It should be emphasized that in "Resolution on the Conflict in Georgia", the OSCE Parliamentary Assembly stated that the EUMM is the sole international monitoring mechanism on the ground and is "regrettably unable to fulfil its mandate fully, while denied access to the occupied regions of Georgia - Abkhazia and Tskhinvali/South Ossetia."[9] In the same resolution, the OSCE Parliamentary

[4] *See* paragraph 7

[5] *Joint Statement on Georgia*, 33rd Session of the UN Human Rights Council, 29 September 2016

[6] *List of Countries*: Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Cyprus, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxemburg, Malta, Montenegro, Netherlands, New Zealand, Norway, Paraguay, Poland, Portugal, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Turkey, Ukraine, the UK, the USA

[7] *Joint Statement on Georgia*, 33rd Session of the UN Human Rights Council, 29 September 2016

[8] Opening Statement by Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights, Human Rights Council 33rd Session, Geneva, 13 September 2016, available at <http://www.ohchr.org/EN/NewsEvents/Pages/GlobalHumanRightsUpdate.aspx>.

[9] *Resolution on the Conflict in Georgia*, Twenty-Fifth Annual Session of the OSCE Parliamentary Assembly, Tbilisi, Georgia, 1-5 July 2016, pages 25-26, paragraph 10, available at <https://www.oscepa.org/documents/all-documents/annual-sessions/2016-tbilisi/declaration-24/3371-tbilisi-declaration-eng/file>

Assembly urged "the Russian Federation to ... allow international human rights monitoring on the ground".[10]

8. The Council of Europe prepared its 14th Consolidated Report on the Conflict in Georgia describing, *inter alia*, human rights situation in Abkhazia, Georgia and the Tskhinvali Region, Georgia, and covering the period between April 2016 and September 2016.[11] It should be noted that the delegation of the secretariat of the Council of Europe carried out a fact-finding visit to Georgia on 12-13 September 2016 for the purpose of the consolidated report, however was not allowed to visit Abkhazia, Georgia and the Tskhinvali region, Georgia.[12]

9. Occupation policy of the Russian Federation regarding the territory of Georgia deprives several hundreds of thousands of IDPs of their internationally recognized right to a voluntary, safe and dignified return to places of their permanent residence. According to the Council of Europe, "[a]s regards the right of refugees and Internally Displaced Persons (IDPs) to a safe, dignified and voluntary return, regrettably no progress can be reported."[13] In "Resolution on the Conflict in Georgia", the OSCE Parliamentary Assembly expressed "concern about the humanitarian situation of the internally displaced persons and refugees, continuously being deprived of the right to voluntary, safe, dignified, and unhindered return to their places of origin, as well as the right to property".[14] In the same resolution, the OSCE Parliamentary Assembly urged "the Russian Federation to allow the safe, dignified, and unhindered return of all internally displaced persons and refugees to their places of origin".[15]

10. It should be noted that during the reporting period, namely from 26th to 29th September 2016, Mr Chaloka Beyani, the UN Special Rapporteur on the Human Rights of Internally Displaced Persons visited Georgia, but was not allowed to visit the occupied regions of Georgia.

11. As already described in the second quarterly report of the Ministry of Foreign Affairs of Georgia covering the period of April-June 2016, in May 2016 the European Union Special Representative (EUSR) Ambassador Herbert Salber commissioned an independent Senior Expert, Mr. Thomas Hammerberg, to assess the human rights situation in Abkhazia, Georgia. It should be recalled that this initiative is based on humanitarian considerations and is in line with EU's non-recognition and engagement policy; it is launched under the human rights component of the EUSR's mandate. According to the agreed modalities, Senior Expert, Mr. Thomas Hammerberg will prepare a report for the EUSR in the autumn 2016, based on several study visits to Tbilisi, Zugdidi, Sokhumi and Gali. During

[10] *See* paragraph 17

[11] Consolidated Report on the Conflict in Georgia, Council of Europe (April 2015-September 2016), 2016, SG/Inf(2016) 37

[12] Consolidated Report on the Conflict in Georgia, Council of Europe (April 2015-September 2016), 2016, SG/Inf(2016) 37, paragraph 5

[13] Consolidated Report on the Conflict in Georgia, Council of Europe (April 2015-September 2016), 2016, SG/Inf(2016) 37, paragraph 61

[14] *Resolution on the Conflict in Georgia*, Twenty-Fifth Annual Session of the OSCE Parliamentary Assembly, Tbilisi, Georgia, 1-5 July 2016, pages 25-26, paragraph 8, available at <https://www.oscepa.org/documents/all-documents/annual-sessions/2016-tbilisi/declaration-24/3371-tbilisi-declaration-eng/file>

[15] *See* paragraph 17

the reporting period, namely between 9 and 17 May 2016, between 8 and 17 June 2016 and between 15 and 23 September 2016, Mr. Thomas Hammerberg visited Tbilisi, Zugdidi, Sokhumi, Gali and other districts of Abkhazia region. It should be noted here that the above initiative poses one-time assessment by the independent expert and it does not imply a regular monitoring or fact finding mechanism. Besides, it does not aim to assess the human rights situation in Tskhinvali region, Georgia.

12. It should be recalled here that during the reporting period of the second quarterly report of the Ministry of Foreign Affairs of Georgia covering the period of April-June 2016, namely on 19 May 2016 Mr. Giga Otkhozoria, was murdered by so called "border guards" deployed along the occupation line with Abkhazia. The murder was committed in the village of Khurcha, Zugdidi district, located in the territory controlled by the central government of Georgia. The murderer of Mr. Giga Otkhozoria has been identified — Mr. Rashid Kanji-Ogli. Mr. Rashid Kanji-Ogli and his accomplices fled to the occupied territory of Abkhazia immediately after committing the murder. The Prosecutor's Office of Georgia filed charges against Mr. Rashid Kanji-Ogli for the premeditated murder of Mr. Giga Otkhozoria and criminal prosecution was launched under the Criminal Code of Georgia. However under the existing circumstances, during the reporting period of the present report, it was still impossible for Georgia's Prosecutor's Office as well as for the courts of common jurisdiction of Georgia to deliver justice. Thus throughout the reporting period of the present report, Mr. Rashid Kanji-Ogli and his accomplices remained unpunished. It should be noted that during the reporting period Mr. Khajimba publicly declared that Mr. Rashid Kanji-Ogli would not be handed over to the Georgian side.[16] The above situation with regard to the violation of the right to life of Mr. Giga Otkhozoria once again demonstrates that the occupied territories of Georgia remain "black holes" in terms of holding the violators of human rights accountable. The above situation further reaffirms the need of immediate, unhindered and continuous access of international human rights monitoring mechanisms in the occupied territories of Georgia.

Occupation Line and Installation of Barbed Wire Fences and other Artificial Obstacles

13. The occupation line along the administrative boundary line (ABL) with Abkhazia and the Tskhinvali Region separates Georgia from its two occupied territories. The process of so called "borderization" was commenced in 2011 (April/May). Since February 2013 the Russian occupation forces intensified the process of the installation of razor wire and barbed wire fences, so called "border" signs and other artificial obstacles along the occupation lines in Abkhazia and the Tskhinvali Region. Currently, the total length of razor wire and barbed wire fences and other artificial obstacles along the occupation line in Tskhinvali Region is nearly 52 km (overall length of the occupation line is more than 350 km) and along the occupation line in Abkhazia is 48 km (overall length of the occupation line is around 145 km).

[16] *Abkhazia will not hand over to Georgia border guard suspected in murder*, "Ria Novosti", 6 July 2016, available at <https://ria.ru/world/20160706/1459757274.html>.

14. The international community regularly has been expressing concern regarding the process of installation of razor wire and barbed wire fences, so called "border" signs and other artificial obstacles along the occupation lines and has been stressing the negative impact of this process on human rights of local population. Below there are several examples of such reactions in the reporting period.

15. In its "Resolution on the Conflict in Georgia", the OSCE Parliamentary Assembly deplored "the process of the installation of razor wire fences and embankments by the Russian occupation forces along the occupation line, dividing the local population and depriving them of fundamental rights and freedoms, including, but not limited to, the freedom of movement, family life, right to property, education in their native language, and other civil and economic rights."[17]

16. The Council of Europe, in its 14th Consolidated Report on the Conflict in Georgia, covering the period between April 2016 and September 2016 and thus fully covering the reporting period of the present report, stated the following: "[s]erious human rights concerns remain in relation to the conflict divide. The "borderisation process", as well as regular incidence of detentions across the ABL have been repeatedly highlighted as the major negative patterns affecting in turn, but not limited to, the freedom of movement, the right to property and family life, the right to education in native language, as well as social and economic rights of the population on both sides of the ABL."[18]

17. As already mentioned, Mr Chaloka Beyani, the UN Special Rapporteur on the Human Rights of Internally Displaced Persons was not allowed to visit the occupied regions of Georgia, however he visited adjacent areas of the occupation line and stated the following in his written statement: "I regret that the razor wire fence along the administrative boundary line of the Tskhinvali region/South Ossetia, Georgia, continues to have the effect of depriving internally displaced persons and displacement affected communities of freedom of movement and creates tangible obstacles to their access to land, property and livelihoods."[19]

18. During the reporting period, namely on 8th September 2016, the US Congress House of Representatives adopted a resolution in support of territorial integrity of Georgia.[20] According to the adopted resolution, "the Russian Federation is building barbed wire fences and installing, so-called "border signs" and other artificial barriers along the occupation line and depriving the people residing within the occupied regions and in the adjacent areas of their fundamental rights and freedoms,

[17] *Resolution on the Conflict in Georgia*, Twenty-Fifth Annual Session of the OSCE Parliamentary Assembly, Tbilisi, Georgia, 1-5 July 2016, pages 25-26, paragraph 9, available at <https://www.oscepa.org/documents/all- documents/annual-sessions/2016-tbilisi/declaration-24/3371-tbilisi-declaration-eng/file>

[18] Consolidated Report on the Conflict in Georgia, Council of Europe (April 2015-September 2016), 2016, SG/Inf(2016) 37, paragraph 33.

[19] *United Nations expert calls for transition to needs-based approaches to address the situation of IDPs in Georgia*, Statement from Special Rapporteur on the Human Rights of Internally Displaced Persons, Mr. Chaloka Beyani, United Nations Human Rights Office of the High Commissioner, 6 October 2016.

[20] *Resolution in support territorial integrity of Georgia, the US Congress House of Representatives, 8 September 2016*, available at <https://www.congress.gov/bill/114th-congress/house-resolution/660/text>

including, but not limited to the freedom of movement, family life, education in their native language, and other civil and economic rights".

New so called "Laws"

19. The Ministry of Foreign Affairs of Georgia once again expresses its serious concern on the adoption of new discriminatory regulations for ethnic Georgians living in the occupied regions of Georgia. There is threat that this so called "laws" can become ground for another wave of ethnic cleansing.

20. It should be recalled here that on 1st April 2016, so called "law on legal status of foreign citizens in Abkhazia" and "law on entry and exit of Abkhazia" became operational. Similar document was adopted by the Tskhinvali occupation regime, namely so called "law on legal status of foreigners in the Republic of South Ossetia". Adoption of so called "laws" in many ways target the ethnic Georgian population living in the occupied territories.

21. So called "law on legal status of foreign citizens in Abkhazia" aims to qualify ethnic Georgians, living in the region of Abkhazia, into a category of "foreign citizens" and to discriminate against them in many ways. Many ethnic Georgians living in Abkhazia, predominantly in Gali district, hold Georgian citizenship that qualifies them into the category of "foreigners" under the so called "law on legal status of foreign citizens in Abkhazia" and therefore puts limitation on their human rights including on the freedom of movement, the right to property and labour rights. Under this so called "law" ethnic Georgians holding Georgian citizenship are deprived possibility to obtain residence permits and respective restrictive clauses prepare "legal" ground for persecution of ethnic Georgian families. According to the Council of Europe, "the application of the *de facto* law in Gali appears to have been put on hold. While this could be an indication that *de facto* authorities recognise that the *de facto* law is problematic and cannot be implemented in its current form, the delegation was informed that several consecutive motions to introduce amendments have been rejected at the level of the *de facto* parliamentary committee."[21]

22. By the adoption of so called "law on entry and exit of Abkhazia", the decision has been made to introduce visas for states a) not recognizing so called "independence of Abkhazia" and b) not having a "bilateral agreement" of visa free travel. Under this so called "law" any person can exit Abkhazia, however only so called "citizens of Abkhazia" can enter Abkhazia without additional formalities. It should be noted that a foreign citizen or a person without citizenship can be expelled from the territory of occupied Abkhazia if that person poses a threat to defense and security or to public order. It should be emphasized that this so called "law", creates additional obstacles to representatives of international organizations leading to further isolation of the region. According to the Council of Europe, "there is also a shared perception that the operational environment has become more challenging, partially in connection to the application of new procedures and rules on access; the delegation was informed that, during the reporting period, staff of international organisations had experienced restrictions when traveling to Abkhazia and that on several occasions had been interviewed by the members of the local

[21] Consolidated Report on the Conflict in Georgia, Council of Europe (April 2015-September 2016), 2016, SG/Inf(2016) 37, paragraph 46.

security services. Georgian staff from international organisations and NGOs are prevented from entering Abkhazia."[22] It has been further argued by the Council of Europe that "[a]mbiguity surrounds the application of the new *de facto* law on procedures of entry into and exit from Abkhazia, which requires, *inter alia*, that citizens of all countries that have not signed "a visa-free agreement" with Abkhazia to obtain an "entry visa". The delegation learnt about instances when these reciprocity provisions were apparently tested in practice resulting in further complications of the crossing regime."[23]

New Wave of so called "Passportisation"

23. The adoption of the above-mentioned so called "laws" by the occupation regimes of Sokhumi and Tskhinvali is directly linked to the new illegal wave of "passportization" in the occupied territories.

24. It should be recalled here that the process of so called "passportisation" in the occupied Abkhazia implies procession and distribution of 300 thousand new documents — 250 thousand so called "passports" and 50 thousand so called "residence permits". All 300 000 documents were already processed in the Russian Federation by "Goznak" and their distribution was postponed several times.

25. The purpose of so called "passportisation" in the occupied Abkhazia is to classify the population into categories of "citizens of Abkhazia" and "foreign citizens". Those residents of Abkhazia that are not citizens of Georgia, will be eligible to obtain so called "Abkhazian passports". It should be recalled here that in 2014, so called "parliament" of the Sokhumi occupation regime adopted so called "decree" by which it annulled so called "Abkhaz passports" of around 25 000 ethnic Georgians living in Abkhazia, predominantly in Gali district.[24] Nowadays it has become evident that so called "Abkhaz passports" of 25 000 ethnic Georgians were cancelled in order to give to ethnic Georgians the status of "foreign citizens" that implies lots of restrictions on their human rights. On 16th September 2016, so called "minister of interior" of the Sokhumi occupation regime declared that it was a right decision in 2014 to invalidate so called "Abkhaz passports" of 26 000 ethnic Georgians.[25] According to the Council of Europe, "the situation with the identity and residence documents of the ethnic Georgian population living in Gali (and to a lesser extent in Ochamchira and Tkvarcheli) continues to be marked by lack of clarity. It is recalled that the large majority of the local population lacks valid identity documents following the invalidation of their Abkhaz *de facto* passports, many of which were subsequently withdrawn."[26] According to the information

[22] Consolidated Report on the Conflict in Georgia, Council of Europe (April 2015-September 2016), 2016, SG/Inf(2016) 37, paragraph 27.

[23] Consolidated Report on the Conflict in Georgia, Council of Europe (April 2015-September 2016), 2016, SG/Inf(2016) 37, paragraph 43.

[24] *The Realm of the Possible - Finding ways forward in the Georgian-Abkhaz context: People in the Gal/i region*, Conciliation Resources, July 2015, pages 4 and 5, available at <http://www.c-r.org/downloads/CR_The-Realm-of- the-possible_Gal-i_43_webEn.pdf>

[25] *Aslan Kobakhia: Change of passports is under a strict control*, "Abkhazinform", 16 September 2016, available at <http://abkhazinform.com/item/4576-aslan-kobakhiya-obmen-pasportov-postavlen-pod-zhestkij-kontrol>

[26] Consolidated Report on the Conflict in Georgia, Council of Europe (April 2015-September 2016), 2016, SG/Inf(2016) 37, paragraph 45.

disseminated on 12th July 2016, so called "Prosecutor's Office" of the Sokhumi occupation regime completed investigation against former so called "Head of Gali District" and filed "criminal charges" (consisting of 150 volumes) against him in so called "court".[27] According to "Prosecutor's Office" of the Sokhumi occupation regime, between the years 2007 and 2014, former so called "Head of Gali District", improperly issued so called "Abkhaz passports" to 14 988 residents of Gali district which were holders of the Georgian citizenship.[28]

26. So called "minister of interior" of the Sokhumi occupation regime declared that distribution of so called "Abkhaz passports" will be under strict control in order to avoid the situation which was in the past.[29] It should be noted that the distribution of so called "Abkhaz passports" and so called "residence permits" did not start in Gali district.[30] It has been argued that 96 per cent of Gali district population has the Georgian citizenship.[31]

27. It should be emphasized that as part of so called "passportisation", by 16th September 2016 only 330 residents of the occupied Abkhazia received new so called "Abkhazian passports".[32] According to so called "minister of interior" of the Sokhumi occupation regime, it is planned to complete the process of so called "passportisation" in eastern part by March 2017; there is no need to complete the whole process of so called "passportisation" by March 2017.[33]

28. Since the partial completion of distribution of so called "Abkhazian passports" is planned by March 2017, the real impact of so called "passportisation" on ethnic Georgians residing in the occupied Abkhazia will start to become obvious from the above date. On the other hand, the completion of the process of so called "passportisation" is undoubtedly a precondition for the factual realization of the adopted so called "laws" on legal status of foreigners and on entry and exit. Undoubtedly, this so called "passportisation" in the occupied Abkhazia and the Tskhinvali region may result in a situation where individuals, not eligible to so called

[27] *Passport case against former head of Gali district was in sent to court*, "Apsnypress", 12 July 2016, available at <http://www.apsnypress.info/news/pasportnoe-delo-v-otnoshenii-eks-glavy-galskogo-rayona-napravleno-v-sud/>.

[28] *Passport case against former head of Gali district was in sent to court*, "Apsnypress", 12 July 2016, available at <http://www.apsnypress.info/news/pasportnoe-delo-v-otnoshenii-eks-glavy-galskogo-rayona-napravleno-v-sud/>.

[29] *Aslan Kobakhia: Change of passports is under a strict control*, "Abkhazinform", 16 September 2016, available at <http://abkhazinform.com/item/4576-aslan-kobakhiya-obmen-pasportov-postavlen-pod-zhestkij-kontrol>.

[30] *Timur Nadaraia: "our aim is to strengthen the district and increase the budget of the state"*, "aiaaira.com", 19 July 2016, available at <http://aiaaira.com/news/intervyu/timur_nadaraya_nasha_zadacha_ukreplyat_rayon_i_uvelichivat_byudzhet_gosud arstva/>.

[31] *Timur Nadaraia: "our aim is to strengthen the district and increase the budget of the state"*, "aiaaira.com", 19 July 2016, available at <http://aiaaira.com/news/intervyu/timur_nadaraya_nasha_zadacha_ukreplyat_rayon_i_uvelichivat_byudzhet_gosud arstva/>.

[32] *Dzapsha: New Abkhazian Passports will be Distributed from 10th July*, "Apsny", 20 June 2016, available at <http://apsny.ru/news/?ID=22876>. As for occupied Tskhinvali region, in June 2015, the Tskhinvali occupation regime began accepting applications for so called "South Ossetian passports," which required individuals renounce their Georgian citizenship.

[33] *Minister of Interior: 330 new Abkhaz passports already distributed*, "Apsnypress", 16 September 2016, available at <http://www.apsnypress.info/news/ministr-vd-330-novykh-abkhazskikh-pasportov-uzhe-vydano/>.

new "passports" or so called new "residence permits", face more complications regarding the right to property and the freedom of movement across the occupation line. Ethnic Georgians residing in the occupied region of Abkhazia have all grounds to be concerned about such perspective; status of a "foreigner" can at least restrict their right to property and deteriorate prospects of movement across the occupation line and, in the worst case, become ground for another wave of ethnic cleansing.

29. According to the Council of Europe, "it is evident that the documentation gap is widening and the local population is becoming increasingly wary of the perpetuation of the legal status limbo. Pending a viable solution, international humanitarian actors have called upon the *de facto* authorities to urgently undertake outreach efforts and offer assurances, in order to counter any perception of uncertainty and ethnic based discrimination that in turn risk prompting new displacement."[34]

II. Freedom from Torture and Ill-treatment

30. The practice of torture and ill-treatment in the occupied regions of Georgia remained an issue of concern during the reporting period. According to the Council of Europe, in the Abkhazian region, "[a]gainst the background of ongoing "borderisation", very serious concerns persist with respect to freedom of movement. Detentions for "illegal border crossing" or "violation of the border zone regime" continue to occur. According to the delegation's interlocutors, some 30 detentions are registered per month, although it is recognised that not all cases are reported. In this respect, the Office of the Public Defender of Georgia raised strong concerns about allegations that in some cases, those detained were subjected to physical abuse and even forced labour, deepening the sense of insecurity."[35] It has been further argued by the Council of Europe that in Tskhinvali Region "allegations of physical abuse during apprehension have been reported in some of the cases."[36] Below are only few examples.

31. On 26th July 2016, in the vicinity of the village of Kirbali, Gori district, nearby of the occupation line with Tskhinvali region, the Russian FSB officers while attempting to illegally detain a local resident physically assaulted him. The beaten local resident was later transported by ambulance to the hospital in the town of Gori, the territory controlled by the central government of Georgia.[37]

[34] Consolidated Report on the Conflict in Georgia, Council of Europe (April 2015-September 2016), 2016, SG/Inf(2016) 37, paragraph 48

[35] Consolidated Report on the Conflict in Georgia, Council of Europe (April 2015-September 2016), 2016, SG/Inf(2016) 37, paragraph 42

[36] Consolidated Report on the Conflict in Georgia, Council of Europe (April 2015-September 2016), 2016, SG/Inf(2016) 37, paragraph 57

[37] *Urgent: Russian occupants have beaten a man in Gori district*, "Newpost.ge", 26 July 2016, available at <http://www.newposts.ge/?l=G&id=115041-%E1%83%9D%E1%83%99%E1%83%A3%E1%83%9E%E1%83%90%E1%83%9C%E1%83%97%E1%83%94%E1%83%91%E1%83%98%2C+%E1%83%9B%E1%83%90%E1%83%9B%E1%83%90%E1%83%99%E1%83%90%E1%83%AA%E1%83%98%2C+%E1%83%AA%E1%83%94%E1%83%9B%E1%83%90>. *Representatives of occupying forces tried to abduct a resident of the village of Kirbali*, "Interpressnews", 27 July 2016, available at <http://www.interpressnews.ge/ge/konfliqtebi/390227-saokupacio-dzalebis-tsarmomadgenlebma-sofel-kirbalis-mkvidris-gatacebascades.html?ar=A>.

32. On 5th August 2016, after three days in detention in so called "detention centre of Tskhinvali", illegally detained resident of the village of Kveshi, Gori district was released. The released man was immediately transported to a hospital in the town of Gori due to severe physical assault he was subject in the process of detention by the Russian FSB officers. According to the doctor of the Gori hospital, health condition of the patient from the village of Kveshi was grave when received for treatment due to brain concussion and bruises in different areas of the body. According to the victim, he was nearby his house, namely he was working in his orchard on the territory controlled by the central government of Georgia when six armed men came to him and tried to detain him. He did not obey to the orders of the Russian FSB officers that resulted in severe beating of him and in his abduction to the direction of the occupied Tskhinvali region.[38]

III. Arbitrary Detention

33. The Russian FSB officers regularly carry out arbitrary detention for so called "illegal border crossing" along the occupation lines with Abkhazia and Tskhinvali regions.

34. According to the Council of Europe, for example, in the Tskhinvali Region "detentions for "violation of the state border" occur on a regular basis, mostly due to local residents crossing the ABL, intentionally or inadvertently to chase stray cattle, access livelihoods or visit the area, including for participating in religious and funeral services. Detention numbers remain at the same level: according to the Georgian Security Service, as of mid-September, 109 people have been detained since the start of the year. Allegations of physical abuse during apprehension have been reported in some of the cases. While in most instances those detained are released after paying a "fine" the Georgian authorities brought to the attention of the delegation the case of a Georgian national who was arrested for "illegal border crossing" in June, and latter remanded to pre-trial detention in Tskhinvali on new charges apparently in connection to the August 2008 conflict."[39] To be more precise with regard to the last sentence of the above observation, on 8 June 2016, Mr. Giorgi Giunashvil, citizen of Georgia was detained by the Russian FSB officers for so called "illegal border crossing" along the occupation line with Tskhinvali region. Initially, the detainee was sentenced two months of imprisonment for so called "illegal border crossing". Later, namely during the reporting period, so called "Prosecutor's Office" of the Tskhinvali occupation regime initiated "criminal case" against Mr. Giorgi Giunashvil accusing him of "causing serious damage to the

[38] *Released detainee from the Tskhinvali detention centre is beaten*, "Interpressnews", 7 August 2016, available at <http //www interpressnews ge/ge/konfliqtebi/391659-ckhinvalis-izolatoridan-gathavisuflebuli-aleqsandre-sheverdashvili-naecmia html?ar=A>. Georgian citizen released from the Tskhinvali detention centre is beaten, "GHN", 7 August 2016, available at <http //ghn ge/com/news/view/157519>

[39] Consolidated Report on the Conflict in Georgia, Council of Europe (April 2015-September 2016), 2016, SG/Inf(2016) 37, paragraphs 57-58.

health" of an unspecified resident of the Tskhinavli region in the year 2008.[40] The central government of Georgia consider the above accusations against Mr. Giorgi Giunashvil to be forged and absolutely ungrounded.[41] It is alarming that Mr. Giorgi Giunashvil remained in illegal detention throughout the reporting period.

35. During the reporting period numerous cases were reported on arbitrary detention in the occupied regions of Georgia. Below are only few examples.

36. On 13 August 2016, the Russian FSB officers crossed the occupation line with Abkhazia and detained two citizens of Georgia in the village of Rukhi. Both detainees were abducted to so called "Gali detention centre" on the territory of the occupied Abkhazia. Two citizens of Georgia did not cross the occupation line, but they were swimming in the river when they were illegally detained. The Russian FSB officers even fired a warning shot in the air in order to carry out detention.[42]

37. On 4th September 2016, a resident of the village of Zardiantkari, Gori district, was detained by the Russian FSB officers for so called "illegal border crossing" along the occupation line with Tskhinvali region. The villager crossed the occupation line in order to attend funeral ceremony in the village of Khelchuashi in the occupied Tskhinvali region. The detainee was transported to so called "detention centre of Tskhinvali".[43]

38. On 11th September 2016, a resident of the village of Koshka, Gori district, was detained by the Russian FSB officers for so called "illegal border crossing". The resident of the village of Koshka was nearby the village for cattle grazing, however he did not cross the occupation line. The Russian FSB officers entered into

[40] *IPRM Meeting held in Ergneti*, State Security Service of Georgia, 19 July 2016, available at <http://ssg.gov.ge/en/news/152/IPRM-Meeting-Held-in-Ergneti>; *10 issues discussed in the framework of Incident Prevention and Reaction Mechanism (IPRM)*, "Kvira.ge", 19 July 2016, available at <http://kvira.ge/%E1%83%98%E1%83%9C%E1%83%AA%E1%83%98%E1%83%93%E1%83%94%E1%83%9C%E1%83%A2%E1%83%94%E1%83%91%E1%83%98%E1%83%A1-%E1%83%9E%E1%83%A0%E1%83%94%E1%83%95%E1%83%94%E1%83%9C%E1%83%AA%E1%83%98%-E1%83%98-4/>.

[41] *10 issues discussed in the framework of Incident Prevention and Reaction Mechanism (IPRM)*, "Kvira.ge", 19 July 2016, available at <http://kvira.ge/%E1%83%98%E1%83%9C%E1%83%AA%E1%83%98%E1%83%93%E1%83%94%E1%83%9C%E1%83%A2%E1%83%94%E1%83%91%E1%83%98%E1%83%A1-%E1%83%9E%E1%83%A0%E1%83%94%E1%83%95%E1%83%94%E1%83%9C%E1%83%AA%E1%83%98%-E1%83%98-4/>.

[42] *Urgent: Occupants abducted 2 citizens of Georgia from the village of Rukhi*, "Newpost.ge", 13 August 2016, available at <http://www.newposts.ge/?l=G&id=116398-%E1%83%92%E1%83%90%20%E1%83%A2%E1%83%90%E1%83%AA%E1%83%94%E1%83%91%E1%83%90,%20%E1%83%A0%E1%83%A3%E1%83%AE%E1%83%98>.

[43] *Representatives of the occupation regime detained man in the village of Khelchuashi during the funeral ceremony*, "Newpost.ge", 9 September 2016, available at <http://www.newposts.ge/?l=G&id=118016-%E1%83%A1%E1%83%90%E1%83%9D%E1%83%99%E1%83%A3%E1%83%9E%E1%83%90%E1%83%AA%E1%83%98%E1%83%9D,%20%E1%83%A0%E1%83%94%E1%83%9F%E1%83%98%E1%83%9B%E1%83%98,%20%E1%83%93%E1%83%90%E1%83%90%E1%83%99%E1%83%90%E1%83%95%E1%83%94%E1>

the territory controlled by the central government of Georgia and abducted him to the occupied Tskhivali region.[44]

39. On 12th September 2016, three residents of Khashuri were detained by the Russian FSB officers for so called "illegal border crossing". These three people were in Tcheratkhevi gorge forest when they were detained by the Russian FSB officers, thus they did not cross the occupation line. All three people were abducted to the occupied Tskhinvali region.[45]

40. On 16th September 2016, a 17-year-old resident of the village of Upper Sobisi, Gori district was detained in the village of Bershueti, Gori district by the Russian FSB officers for so called "illegal border crossing". The resident of the village of Upper Sobisi, Gori district did not cross the occupation line with Tskhinvali region; he was visiting church in the village of Bershueti when he was detained and abducted to the occupied Tskhinvali region.[46]

IV. Freedom of Movement

41. Restrictions on freedom of movement remains an issue of concern that has been attested by the various sources made available in the reporting period.

42. Mr Chaloka Beyani, the UN Special Rapporteur on the Human Rights of Internally Displaced Persons stated the following in his written statement: "I regret that the razor wire fence along the administrative boundary line of the Tskhinvali region/South Ossetia, Georgia, continues to have the effect of depriving internally displaced persons and displacement affected communities of freedom of movement ...."[47] In the same written statement we read that Mr Chaloka Beyani met with IDPs returned at Khurcha and Inguri crossing points and that they shared "their experience and most pressing concerns, including the lack of access to documentation affecting many, which has an extremely negative impact on their freedom of movement ...".[48] According to Special Rapporteur, in the Abkhazian region "other major concerns he highlighted related to detention for "illegal"

[44] *Russian occupants abducted a resident of the village of Koshka, Gori district*, "Newpost.ge", 11 September 2016, available at <http://www.newposts.ge/?l=G&id=118753-%E1%83%9D%E1%83%99%E1%83%A3%E1%83%9E%E1%83%90%E1%83%9C%E1%83%A2%E1%83%94%E1%83%91%E1%83%98,%20%E1%83%92%E1%83%90%E1%83%A2%E1%83%90%E1%83%AA%E1%83%94%E1%83%91%E1%83%90,%20%E1%83%A0%E1%83%A3%E1%83%A1%E1%83%94%E1%83%91%E1%83%98>.

[45] *Another abduction from the Georgian controlled territory. 3 Georgians are in captivity of occupants*, "Newpost.ge", 12 September 2016, available at <http://www.newposts.ge/?l=G&id=118814>.

[46] *A minor person was abducted from Gori district*, "Newpost.ge", 16 September 2016, available at <http://www.newposts.ge/?l=G&id=119365>.

[47] *United Nations expert calls for transition to needs-based approaches to address the situation of IDPs in Georgia*, Statement from Special Rapporteur on the Human Rights of Internally Displaced Persons, Mr. Chaloka Beyani. United Nations Human Rights Office of the High Commissioner, 6 October 2016.

[48] *United Nations expert calls for transition to needs-based approaches to address the situation of IDPs in Georgia*, Statement from Special Rapporteur on the Human Rights of Internally Displaced Persons, Mr. Chaloka Beyani. United Nations Human Rights Office of the High Commissioner, 6 October 2016.

crossings of the dividing line, the closure of two crossing points over the past few months the risk that more will be closed in the near future."[49]

43. According to the Council of Europe, in the Abkhazian region "as of May [2016], two crossing points in Lekukhona and Tagiloni were closed down. Currently four crossing points continue to function. However, the *de facto* authorities appear intent on closing down two of them, once the relevant infrastructure has been rehabilitated."[50] It has been argued that in the Abkhazian region "the "borderisation" process and the related constraints of freedom of movement exacerbate the conflict divide, contribute to isolation of communities and affect in multiple negative ways the human rights of the local population, in particular in Gali. The process has continued to draw strong criticism from the Georgian government as well as various international bodies and governments. International humanitarian actors have continued to advise strongly against such restrictions, including the closure of additional crossing points."[51]

44. It should be noted that during the reporting period Mr. Khajimba declared that only one crossing point will remain over the River Enguri, all others will be closed down.[52] According to residents of adjacent territories to Zugdidi and Gali districts, control imposed on their movement is already tightened due to the activities of the Russian FSB officers: "what to do? how to live when we even cannot move normally? Where to get food products?" — these are question posed by them.[53]

45. It should be emphasized that on 4th July 2016, Mr. Tibilov publicly declared that so called "border" with Georgia in the future would be even more tightened with the assistance of the Russian Federation.[54] According to the Council of Europe, "as reported to the delegation, as of next year, the *de facto* authorities plan to start issuing new registration/crossing permissions (*propusks*) for the ethnic Georgian

[49] *United Nations expert calls for transition to needs-based approaches to address the situation of IDPs in Georgia*, Statement from Special Rapporteur on the Human Rights of Internally Displaced Persons, Mr. Chaloka Beyani. United Nations Human Rights Office of the High Commissioner, 6 October 2016

[50] Consolidated Report on the Conflict in Georgia, Council of Europe (April 2015-September 2016), 2016, SG/Inf(2016) 37, paragraph 41

[51] Consolidated Report on the Conflict in Georgia, Council of Europe (April 2015-September 2016), 2016, SG/Inf(2016) 37, paragraph 44

[52] *Khajimba has confirmed: the Abkhaz side will keep only one crossing point over Enguri*, "Accent com", 6 July2016, available at <http://accent.com.ge/ge/news/details/18400-%E1%83%AE%E1%83%90%E1%83%AF%E1%83%98%E1%83%9B%E1%83%91%E1%83%90%E1%83%9B-%E1%83%93%E1%83%90%E1%83%90%E1%83%93%E1%83%90%E1%83%A1%E1%83%A2%E1%83%A3%E1%83%A0%E1%83%90-%E1%83%90%E1%83%A4%E1%83%AE%E1%83%90%E1%83%96%E1%>

[53] *Khajimba has confirmed: the Abkhaz side will keep only one crossing point over Enguri*, "Accent com", 6 July 2016, available at <http://accent.com.ge/ge/news/details/18400-%E1%83%AE%E1%83%90%E1%83%AF%E1%83%98%E1%83%9B%E1%83%91%E1%83%90%E1%83%9B-%E1%83%93%E1%83%90%E1%83%90%E1%83%93%E1%83%90%E1%83%A1%E1%83%A2%E1%83%A3%E1%83%A0%E1%83%90-%E1%83%90%E1%83%A4%E1%83%AE%E1%83%90%E1%83%96%E1%>

[54] *Tibilov plans to more seriously tighten so called border with Georgia*, "Kvira.ge", 4 July 2016, available at <http://kvira.ge/%E1%83%97%E1%83%98%E1%83%91%E1%83%98%E1%83%9A%E1%83%9D%E1%83%95%E1%83%98-%E1%83%A1%E1%83%90%E1%83%A5%E1%83%90%E1%83%A0%E1%83%97%E1%83%95%E1%83%94%E1%83%9A%E1%83%9D%E1%83%A1%E1%83%97%E1%83%90-2/>

residents of Akhalgori, the majority of whom have an IDP status and reside in territory controlled by the Georgian central government. The measure is reportedly related to the expiration of previously issued documents, even though it seems that *de facto* authorities continue to allow their use. In this respect, some humanitarian actors expressed caution about the fact that the number of those who receive documentation tends to decrease with each new turn. It is estimated that lack of regular documentation hampers the free movement of some 5000 persons from the Akhalgori district."[55]

46. According to the information disseminated on 15th July 2016, residents of so called "border zone" villages of Znauri district located in the territory of the occupied Tskhinvali region, wrote letters to so called "president", "parliament" and "government" of the Tskhinvali occupation regime and demanded removal of checkpoints from their villages. According to the demands of the local residents, existing checkpoints violate their freedom of movement. They argue that these checkpoints and regular control hinder free movement of local residents across their villages which are located around six kilometers away from the occupation line. Local residents complain that the daily life and communication is hard in so called "border zones" located nearby the occupation line.[56] It should be noted that in 2012 decision was made in the occupied Tskhinvali region to introduce "border zone" in the adjacent areas of the occupation line. So called "border zone" implies particular restrictions of freedom of movement and there is a need to have special "permit" issued by so called "Border Security Service of South Ossetia" in order to enter this "border zone".[57]

V. Right to Property

47. During the reporting period, violations of the right to property in the occupied regions of Georgia remained the issue of concern for the international community. It should be emphasized that in "Resolution on the Conflict in Georgia", the OSCE Parliamentary Assembly expressed "concern about the humanitarian situation of the internally displaced persons and refugees, continuously being deprived of the right to voluntary, safe, dignified, and unhindered return to their places of origin, as well as the right to property".[58] Mr Chaloka Beyani, the UN Special Rapporteur on the Human Rights of Internally Displaced Persons stated the following in his written statement: "I regret that the razor wire fence along the administrative boundary line

[55] Consolidated Report on the Conflict in Georgia, Council of Europe (April 2015-September 2016), 2016, SG/Inf(2016) 37, paragraph 59.

[56] *This is not nice and very humiliating*, "Okhokavkaza", 15 July 2016, available at <http://www.ckhokavkaza.com/a/27860884.html>.

[57] *Security Council of South Ossetia will consider issues related to visiting border zone*, "Sputnik-Ossetia", 2 August 2016, available at <http://sputnik-ossetia.ru/South_Ossetia/20160802/2823901.html>.

[58] *Resolution on the Conflict in Georgia*, Twenty-Fifth Annual Session of the OSCE Parliamentary Assembly, 1-5 July 2016, pages 25-26, paragraph 8, available at <https://www.oscepa.org/documents/all-documents/annual-sessions/2016-tbilisi/declaration-24/3371-tbilisi-declaration-eng/file>.

of the Tskhinvali region/South Ossetia, Georgia, ... creates tangible obstacles to their access to land, property and livelihoods".[59]

48. According to the Council of Europe, its "delegation received information about new "borderisation" activities along the ABL with South Ossetia. While ABL fencing has been ceased, the installation of "border signposts" (some 200 so far) seem increasingly problematic. Their appearance at several locations during the period under review continued to lead to effective loss of access to property and livelihood as well as detention of the local population. The delegation's attention was drawn to a case from August 2016 where tensions heightened after Georgian farmers were not allowed to harvest their crops and due to the installation of a new signpost in the Gduleti area."[60]

49. On 23rd August 2016, the Russian FSB officers, deployed in the Tskhinvali region, entered the vicinity of the village of Sobisi, Gori district and by using combine harvester started to harvest barley in the land property of two local residents. In the morning of 24th August 2016, local landowners discovered that barley harvesting was ongoing and barley from around 2 hectares of their land property had been already harvested. The Russian FSB officers declared to local landowners that their agricultural plots of land were not on "the territory of Georgia". According to one of the landowners, his family owns the plot of land for years and it is located on the territory controlled by the central government of Georgia. According to him, he was cultivating his plot of land throughout the year and had spent significant amount of money in order to gain barley harvest of around 20 tones and now he is banned by the Russian FSB officers to enter his land property. The landowner recalled that last year the Russian FSB officers had approached him and had told that part of his agricultural land property, namely around 6 hectares was not on "the territory of Georgia". It should be noted that on 24th August 2016, as a result of a reaction from the central government of Georgia, combine harvester ceased harvesting barley and, on 25th August 2016, local residents were given only 5 hours by the Russian FSB officers in order to harvest remaining barley from their land, however this move did not solve the issue of ownership of their land property.[61]

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[59] *United Nations expert calls for transition to needs-based approaches to address the situation of IDPs in Georgia*, Statement from Special Rapporteur on the Human Rights of Internally Displaced Persons, Mr. Chaloka Beyani. United Nations Human Rights Office of the High Commissioner, 6 October 2016.

[60] Consolidated Report on the Conflict in Georgia, Council of Europe (April 2015-September 2016), 2016, SG/Inf(2016) 37, paragraph 54.

[61] *Occupants harvesting barley of locals in the village of Sobisi, Gori district*, "Interpressnews", 24 August 2016, available at <http://www.interpressnews.ge/ge/konfliqtebi/393718-goris-rainonis-sofel-sobisshi-adgilobrivis-qeris-mosavals-okupantebi-igheben.html?ar=A>; Russian occupants took away another 6 hectares of land from Georgia, "Newpost.ge", 24 August 2016, available at <http://www.newposts.ge/?l=G&id=117025-%E1%83%92%E1%83%9D%E1%83%A0%E1%83%98,%20%E1%83%9D%E1%83%99%E1%83%A3%E1%83%9E%E1%83%90%E1%8>; *Russian combine harvester harvested crops of residents of adjacent areas of the occupation line*, "Tabula", 24 August 2016, available at <http://www.tabula.ge/ge/story/111093-rusulma-kombainma-saokupacio-xaztan-macxovrebelta-mosavali-aigho>; Russian occupants are robbing Georgian peasants, "Tbilisi media", 27 August 2016, available at <https://tbilisi.media/main/56266-rossijskie-okkupanty-obvorovyvayut-gruzinskih-krestyan/>; *In the village of Sobisi, family of Chilindarashvilis' was given 5 hours in order to harvest barley*, "Interpressnews", 25 August 2016, available at <http://www.interpressnews.ge/ge/konfliqtebi/393921-sofel-sobisshi-chilindrishvilebis-ojakhs-qeris-mo savlis-dasabinaveblad-5-saathi-mieca.html?ar=A>

VI. Right to Education in the Native Language

50. It should be recalled here that in the Gali district there are 31 schools.[62] From 31 schools only 11 schools, all of which are in "lower zone" of Gali district, had the status of Georgian schools until the end of the academic year 2014-2015 and subjects were taught in the Georgian language.[63] However, from the beginning of September of the academic year 2015-2016, drastic changes were made in the curriculum of these 11 schools in "lower zone" of Gali district, implying teaching of all subjects in the Russian language in the first four grade classes i.e. in first grade, second grade, third grade and fourth grade classes.[64]

51. It should be emphasized that the academic year 2016-2017 started in line with the above changes implying teaching of all subjects in the Russian language. The above policy, if continued for several years, would result in gradual replacement of the Georgian curriculum with the Russian curriculum for all grades in these 11 schools of "lower zone" of Gali district. It has been argued that teachers of lower classes (from I to V) of 11 schools, all of which had the status of Georgian schools, are obliged to attend special trainings on using the Russian language as the language of instruction.[65] According to the Council of Europe, "[d]uring the period under review, the situation with education in the Georgian language in Abkhazia continued to receive sustained attention. The delegation was informed that, since the start of the new school year, the Russian language had become the formal instruction language also in grade V in addition to grades I to IV. This policy seems to be applied in all 11 schools in the Gali district. In these schools, Georgian language is limited to three lessons per week along with two lessons of Georgian literature."[66] It has been further argued by the Council of Europe that "restrictions of freedom of

[62] By the end of the academic year 2014-2015 there were 4,459 pupils and 918 employees in these 31 schools, from 4,459 pupils, 97.57 per cent. were ethnically Georgian and from 918 employees, 91.78 per cent were ethnically Georgian. See *Weekly press review on the human rights violations and current events in Abkhazia*, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 27 July and 2 August 2015.

[63] *The Realm of the Possible — Finding ways forward in the Georgian-Abkhaz context. People in the Gal I region*, Conciliation Resources, July 2015, page 10, available at <http://www.c-r.org/downloads/CR_The-Realm-of-the-possible_Gal-i_43_webEn.pdf>; *Report of the Year 2014 of the Public Defender of Georgia on the Situation of Rights of the Population Affected by the Conflicts*, 5 June 2015, page 26, available at <http://www.ombudsman.ge/en/news/reports-on-the-human-rights-situation-of-conflict-affected-population-and-internally-displaced-persons-in-georgia.page>.

[64] The Russian curriculum means that the Russian textbooks, licensed by the Ministry of Education and Science of the Russian Federation and published in the Russian Federation, are used for the teaching. *A special Report of the Public Defender of Georgia – The Right to Education in Gali District: New Developments and Challenges of the Academic Year of 2015-2016*, "Public Defender of Georgia", October 2015, page 4 and 5, available at <https://drive.google.com/file/d/0B9BM3M8hbgAUNFE3RndlaXc2dFU/view?pref=2&pli=1>. In these classes only few hours is allocated for learning the Georgian language as a foreign language.

[65] *Timur Nadaraia: "our aim is to strengthen the district and increase the budget of the state"*, "aiaaira.com", 19 July 2016, available at <http://aiaaira.com/news/intervyu/timur_nadaraya_nasha_zadacha_ukreplyat_rayon_i_uvelichivat_byudzhet_gosud arstva/>.

[66] Consolidated Report on the Conflict in Georgia, Council of Europe (April 2015-September 2016), 2016, SG/Inf(2016)37, paragraph 49.

movement continue to have a negative impact on access to education for children who attend school on the other side of the ABL."[67]

52. According Mr Chaloka Beyani, the UN Special Rapporteur on the Human Rights of Internally Displaced Persons, "other major concerns he highlighted related to ... the progressive change of language of instruction in Lower and Upper Gali Schools from Georgian to Russian."[68]

VII. Conclusions

53. It can be concluded that the situation described in the occupied regions of Georgia with regard to freedom of torture and ill treatment and examples provided for the reporting period constitute infringements on freedom from torture and ill-treatment and therefore are violations of Article 7 of the International Covenant on Civil and Political Rights (ICCPR); Article 5 of the Universal Declaration of Human Rights (UDHR); Article 3 of the European Convention on Human Rights (ECHR); and the OSCE commitments.[69]

54. It can be concluded that the situation described in the occupied regions of Georgia with regard to arbitrary detention and examples provided for the reporting period constitute arbitrary detention and therefore violations of Article 9 of the International Covenant on Civil and Political Rights (ICCPR); Article 3 of the Universal Declaration of Human Rights (UDHR); Article 5 of the European Convention on Human Rights (ECHR); and relevant provisions of the OSCE commitments.

55. It can be concluded that the situation described in the occupied regions of Georgia with regard to freedom of movement and examples provided for the reporting period constitute violations of the right to freedom of movement, namely of Article 12 of the International Covenant on Civil and Political Rights (ICCPR); Article 13 of the Universal Declaration of Human Rights (UDHR); Article 2, Protocol No. 4 of the European Convention on Human Rights (ECHR); and the OSCE freedom of movement commitments.

56. It can be concluded that the situation described in the occupied regions of Georgia with regard to the right to property and examples provided for the reporting period violate the right to property, namely Article 17 of the Universal Declaration of Human Rights (UDHR); Article 1, Protocol No. 1 of the European Convention on Human Rights (ECHR); and the OSCE commitments.

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[67] Consolidated Report on the Conflict in Georgia, Council of Europe (April 2015-September 2016), 2016, SG/Inf(2016) 37, paragraph 52.

[68] *United Nations expert calls for transition to needs-based approaches to address the situation of IDPs in Georgia*, Statement from Special Rapporteur on the Human Rights of Internally Displaced Persons, Mr. Chaloka Beyani. United Nations Human Rights Office of the High Commissioner, 6 October 2016.

[69] The Vienna Concluding Document (1989) prohibits torture and other cruel, inhuman or degrading treatment or punishment. Paragraph 23.4. The Paris Document (1990) also prohibits torture and other cruel, inhuman or degrading treatment or punishment. the Istanbul Charter for European Security commits to "eradicating torture and other cruel, inhuman or degrading treatment or punishment throughout the OSCE area." Paragraph 21.

57. It can be concluded that the situation described in the occupied regions of Georgia with regard to education in the native language and examples provided for the reporting period constitute violations of the right to education in one's native language and therefore violations of Article 26 (read in conjunction with Article 2) of the Universal Declaration of Human Rights (UDHR); Article 2, Protocol No. 1 of the European Convention on Human Rights (ECHR); Article 28 (read in conjunction with paragraph 1 of Article 2) of the UN Convention on the Rights of the Child; and relevant provisions of the OSCE commitments.

58. It can be concluded that the situation described in the occupied regions of Georgia, particularly adoption of so called "laws" and the process of "passportisation" violates prohibition of discrimination provisions of Article 14 and Protocol No. 12 of the European Convention on Human Rights (ECHR); Article 26 of the International Covenant on Civil and Political Rights (ICCPR); and the International Convention on the Elimination of All Forms of Racial Discrimination.

59. It can be further concluded that the situation described in the occupied regions of Georgia violates the right of return of all internally displaced persons and refugees and their descendants, regardless of ethnicity, to their homes throughout Georgia, including in Abkhazia and the Tskhinvali region.[70]

VIII. Appeal to the International Community

60. The Ministry of Foreign Affairs of Georgia appeals to the international community, states as well as international intergovernmental and non-governmental organizations:

to continue recognizing extensively and widely the occupation of the territories of Georgia by the Russian Federation;

to continue calling on the Russian Federation to bear responsibility for human rights violations on the occupied regions of Georgia;

to continue calling on the Russian Federation to stop placing and removing barbed wire fences and other artificial obstacles and banners along the occupation line;

to take additional measures in order to monitor and report on the human rights situation in the occupied regions of Georgia, more specifically, the Ministry of Foreign Affairs of Georgia appeals to:

i) the Office of the United Nations High Commissioner for Human Rights (OHCHR) to take additional measures in order to regularly address and assess the human rights situation in Abkhazia and Tskhinvali region of Georgia;

[70] *Resolution adopted by the General Assembly on 10 June 2016 on Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia*, A/RES/70/265. See also previous resolutions 69/286 of 3 June 2015; 68/274 of 5 June 2014; 67/268 of 13 June 2013; 66/283 of 3 July 2012; 65/287 of 29 June 2011 etc.

(ii) the UN Human Rights Council's Special Procedure Mandate holders to take additional measures in order to address and report on the human rights situation in Abkhazia and Tskhinvali region of Georgia;

(iii) the Commissioner for Human Rights of the Council of Europe to take additional measures in order to address and report on the human rights situation in Abkhazia and Tskhinvali region of Georgia;

(iv) the OSCE and its autonomous institutions, namely the Office for Democratic Institutions and Human Rights (ODIHR) and the Office of the High Commissioner on National Minorities (HCNM) to find ways for monitoring the human rights situation in Georgia's occupied regions. Such steps could, inter alia, include undertaking a follow-up mission to the occupied regions of Georgia and preparing a report on the status of the implementation of the recommendations contained in the ODIHR/HCNM 2008 Report on "Human Rights in the War Affected Areas following the Conflict in Georgia"

to continue calling on the Russian Federation to allow a) access of the international human rights monitoring mechanisms to the occupied regions of Georgia; b) access of the relevant missions of international organizations (e.g. EUMM), including humanitarian organizations, to the occupied regions of Georgia through legal routes;

to continue and intensify condemning violations of human rights such as the right to life; freedom of movement; freedom from torture and ill-treatment; the right to liberty; the right to property and the right to receive education in the native language in the occupied regions of Georgia.

United Nations A/71/637–S/2016/993

General Assembly
Security Council

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General Assembly
Seventy-first session
Agenda item 32
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Seventy-first year

Identical letters dated 23 November 2016 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith the statement of the Ministry of Foreign Affairs of Georgia on the signature by the President of the Russian Federation on 22 November 2016 of the law on the ratification of the so-called "agreement" with the Sokhumi occupation regime on the establishment of the Joint Group of Armed Forces (see annex).

I should be grateful if you would have the present letter and its annex issued as an official document of the seventy-first session of the General Assembly, under agenda item 32, and of the Security Council.

(*Signed*) Kaha **Imnadze**
Ambassador
Permanent Representative

16-21189 (E) 081216

Please recycle

Annex to the identical letters dated 23 November 2016 from the Permanent Representative of Georgia addressed to the Secretary-General and the President of the Security Council

Statement of the Ministry of Foreign Affairs

On 22 November 2016, the President of the Russian Federation signed the law on the ratification of the so-called "agreement" with the Sokhumi occupation regime on the establishment of the Joint Group of Armed Forces.

These kinds of provocative steps by the Russian Federation are directed towards the annexation of the occupied regions of Georgia, which is a complete disregard of the fundamental principles and norms of international law and undermines the established international order.

The Ministry of Foreign Affairs condemns this illegal step by the Russian Federation, which represents a rude violation of the territorial integrity and inviolability of the internationally recognized borders of the sovereign State and a demonstration of aggression against Georgia.

The Ministry of Foreign Affairs calls on the Russian Federation to honour the obligations undertaken and fully comply with the Ceasefire Agreement of 12 August 2008, withdraw its military units from the occupied territories of Georgia and ensure the establishment of international security arrangements in the Abkhazia and Tskhinvali regions.

The Ministry of Foreign Affairs calls on the international community to give a due assessment of the aggressive moves of the Russian Federation and take effective measures to avoid further aggravation of the security situation in the region.

United Nations A/71/638

General Assembly

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Seventy-first session
Agenda item 139

Human Resources Management

Report of the Fifth Committee

Rapporteur: Ms. Diana Minyi **Lee** (Singapore)

I. Introduction

1. At its 2nd plenary meeting, on 16 September 2016, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-first session the item entitled "Human resources management" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 4th and 14th meetings, on 11 October and 28 November 2016. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records.[1]

3. For its consideration of the item, the Committee had before it the following documents:

(a) Note by the Secretary-General on the implementation of the new common system compensation package in the United Nations Secretariat (A/70/896 and A/70/896/Corr.1);

(b) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/70/961);

(c) Note by the Secretary-General on the implementation of the new common system compensation package in the United Nations Secretariat (A/C.5/71/CRP.1).

[1] A/C.5/71/SR.4 and A/C.5/71/SR.14.

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II. Consideration of draft resolution A/C.5/71/L.5

4. At its 14th meeting, on 28 November, the Committee had before it a draft resolution entitled "Implementation of the new common system compensation package in the United Nations Secretariat" (A/C.5/71/L.5), submitted by the Chair of the Committee on the basis of informal consultations coordinated by the representative of Ireland.

5. At the same meeting, the Committee adopted draft resolution A/C.5/71/L.5 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Implementation of the new common system compensation package in the United Nations Secretariat

The General Assembly,

Recalling its resolution 70/244 of 23 December 2015,

Having considered the notes by the Secretary-General on the implementation of the new common system compensation package in the United Nations Secretariat[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

1. *Takes note* of the notes by the Secretary-General;

2. *Expresses serious concern* that the Secretary-General failed to provide Member States with timely information on possible delays in, and resource requirements for, the implementation of elements of the new compensation package for staff in the Professional and higher categories as approved by the General Assembly in its resolution 70/244;

3. *Decides* that the Secretary-General, in implementing the new common system compensation package, absorb all additional requirements from within existing resources, as described in the note by the Secretary-General.[3]

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[1] A/70/896 and Corr.1 and A/C.5/71/CRP.1.
[2] A/70/961.
[3] A/C.5/71/CRP.1.

United Nations A/71/638/Add.1

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Seventy-first session
Agenda item 139

Human resources management

Report of the Fifth Committee

Rapporteur: Ms. Diana Minyi **Lee** (Singapore)

I. Introduction

1. The previous recommendation made by the Fifth Committee to the General Assembly under agenda item 139 is set out in the report of the Committee contained in document A/71/638.

2. The Fifth Committee considered the item at its 9th, 10th and 23rd meetings, on 28 October and 23 December 2016. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records.[1]

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the practice of the Secretary-General in disciplinary matters and cases of possible criminal behaviour, 1 July 2015 to 30 June 2016 (A/71/186);

(b) Report of the Secretary-General on seconded active-duty military and police personnel (A/71/257);

(c) Report of the Secretary-General on amendments to the Staff Regulations and Rules (A/71/258);

(d) Report of the Secretary-General on the overview of human resources management reform: towards a global, dynamic, adaptable and engaged workforce for the United Nations (A/71/323);

(e) Report of the Secretary-General on mobility (A/71/323/Add.1);

[1] A/C.5/71/SR.9, A/C.5/71/SR.10 and A/C.5/71/SR.23.

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(f) Report of the Secretary-General on the overview of human resources management reforms: assessment of the system of desirable ranges (A/71/323/Add.2);

(g) Report of the Secretary-General on the activities of the Ethics Office (A/71/334);

(h) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/71/557);

(i) Report of the Secretary-General on the composition of the Secretariat: staff demographics (A/71/360);

(j) Report of the Secretary-General on the composition of the Secretariat: gratis personnel, retired staff and consultants and individual contractors (A/71/360/Add.1);

(k) Note by the Secretary-General transmitting the report of the Joint Inspection Unit entitled "Use of non-staff personnel and related contractual modalities in the United Nations system organizations" (A/70/685);

(l) Note by the Secretary-General transmitting his comments and those of the United Nations System Chief Executives Board for Coordination on the report of the Joint Inspection Unit entitled "Use of non-staff personnel and related contractual modalities in the United Nations system organizations" (A/70/685/Add.1);

(m) Note by the Secretary-General transmitting the report of the Joint Inspection Unit entitled "Succession planning in the United Nations system organizations" (A/71/393);

(n) Note by the Secretary-General transmitting his comments and those of the United Nations System Chief Executives Board for Coordination on the report of the Joint Inspection Unit entitled "Succession planning in the United Nations system organizations" (A/71/393/Add.1).

II. Consideration of draft resolution A/C.5/71/L.11

4. At its 23rd meeting, on 23 December 2016, the Committee had before it a draft resolution entitled "Human resources management" (A/C.5/71/L.11), submitted by the Chair of the Committee on the basis of informal consultations coordinated by the representative of Ireland.

5. At the same meeting, the Committee adopted draft resolution A/C.5/71/L.11 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Human resources management

The General Assembly,

Recalling Articles 8, 97, 100 and 101 of the Charter of the United Nations,

Recalling also its resolutions 42/220 A of 21 December 1987, 49/222 A and B of 23 December 1994 and 20 July 1995, 51/226 of 3 April 1997, 52/219 of 22 December 1997, 52/252 of 8 September 1998, 53/221 of 7 April 1999, 55/258 of 14 June 2001, 57/305 of 15 April 2003, 58/285 of 8 April 2004, 58/296 of 18 June 2004, 59/266 of 23 December 2004, 59/287 of 13 April 2005, 60/1 of 16 September 2005, 60/238 of 23 December 2005, 60/254 of 8 May 2006, 60/260 of 8 May 2006, 61/244 of 22 December 2006, 61/276, section VIII, of 29 June 2007, 62/238, section XXI, of 22 December 2007, 62/248 of 3 April 2008, 63/250 of 24 December 2008, 63/271 of 7 April 2009, 65/247 of 24 December 2010, 66/234 of 24 December 2011, 67/255 of 12 April 2013, 68/252 of 27 December 2013, 68/265 of 9 April 2014, 70/244 of 23 December 2015 and 70/286 of 17 June 2016, its decision 70/553 B of 1 April 2016 and its other relevant resolutions and decisions,

Having considered the relevant reports of the Secretary-General on human resources management submitted to the General Assembly[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Having also considered the reports of the Joint Inspection Unit on succession planning in the United Nations system organizations[3] and on the use of non-staff personnel and related contractual modalities in the United Nations system organizations,[4] as well as the comments of the Secretary-General and of the United Nations System Chief Executives Board for Coordination thereon,[5]

1. *Reaffirms* that the staff of the United Nations is an invaluable asset of the Organization, and commends its contribution to furthering the purposes and principles of the United Nations;

2. *Pays tribute* to the memory of all staff members who have lost their lives in the service of the Organization;

3. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[2] subject to the provisions of the present resolution;

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[1] A/71/186, A/71/257, A/71/258, A/71/323, A/71/323/Add.1, A/71/323/Add.2, A/71/334, A/71/360 and A/71/360/Add.1.

[2] A/71/557.

[3] See A/71/393.

[4] See A/70/685.

[5] A/71/393/Add.1 and A/70/685/Add.1.

I
Human resources management reform

4. *Emphasizes* the fundamental importance of human resources management reform in the United Nations as a contribution to the enhancement of the efficiency and effectiveness of the United Nations and of the international civil service, and reaffirms its commitment to the implementation of this reform;

5. *Requests* the Secretary-General to continue to modernize, streamline and integrate the Organization's human resources management structures and functions, taking into account expected benefits, efficiencies and lessons learned from the implementation of previous reform, and to present detailed proposals for the consideration of the General Assembly at its seventy-third session;

6. *Underlines* the need for a comprehensive and robust workforce-planning system as a key component of human resources management, acknowledges the progress made, and requests the Secretary-General to intensify his efforts to develop a comprehensive and effective workforce- and succession-planning proposal and to report thereon at the seventy-third session;

7. *Requests* the Secretary-General, in the context of the ongoing human resources management reforms and business transformation projects, to continue to ensure the equal treatment of candidates with equivalent educational backgrounds during the recruitment process, taking fully into account the fact that Member States have different education systems and that no education system shall be considered the standard to be applied by the Organization;

8. *Reiterates* that the Secretary-General has to ensure that the highest standards of efficiency, competence and integrity serve as the paramount consideration in the employment of staff, with due regard to the principle of equitable geographical distribution, in accordance with Article 101, paragraph 3, of the Charter of the United Nations;

9. *Reaffirms* the provisions of regulation 4.2 of the Staff Rules and Staff Regulations of the United Nations, and decides to retain the criterion of geographical status in the staff selection system as one of the key elements to ensure geographical balance at each level for posts subject to geographical distribution;

10. *Also reaffirms* the need to respect the equality of the two working languages of the Secretariat, further reaffirms the use of additional working languages in specific duty stations as mandated, and in this regard requests the Secretary-General to ensure that vacancy announcements specify the need for either of the working languages of the Secretariat, unless the functions of the post require a specific working language;

11. *Acknowledges* that the interaction of the United Nations with the local population in the field is essential and that language skills constitute an important element of the selection and training processes, and therefore affirms that a good command of the official language or languages spoken in the country of residence should be taken into account as an additional asset during those processes;

12. *Notes with serious concern* that the 120-day target for filling a post has not been reached, and requests the Secretary-General to investigate the reasons for delays at each stage of the staff selection and recruitment processes, including the

stages of candidate recommendation and central review body endorsement, and requests the Secretary-General to include in his next overview report, to be submitted to the General Assembly at its seventy-third session, a comprehensive strategy aimed at achieving the 120-day target for recruitment set by the Assembly;

13. *Takes note* of paragraphs 36 and 84 of the report of the Advisory Committee, decides to reduce the standard posting period for position-specific job openings from 60 days to 45 days for jobs in the Professional and higher categories, on a provisional basis as a pilot phase, decides to keep this measure under review, and requests the Secretary-General to report on its full impact in his next overview report;

14. *Emphasizes* the important role of the young professionals programme in improving the geographical representation of unrepresented and underrepresented Member States and in ensuring the continued rejuvenation of the Secretariat;

15. *Requests* the Secretary-General to review his proposal to replace the existing general exam paper with a general test of cognitive and social abilities and to present a detailed analysis thereon in his next overview report;

16. *Takes note* of paragraph 41 of the report of the Advisory Committee, and endorses the proposal of the Secretary-General[*] to extend to three years the period of time during which successful candidates may remain on the roster for the young professionals programme;

17. *Reiterates its request* to the Secretary-General that he continue his ongoing effort to ensure the attainment of equitable geographical distribution in the Secretariat and to ensure as wide a geographical distribution of staff as possible in all departments and offices and at all levels, including at the Director and higher levels, of the Secretariat, and requests him to report thereon in his next overview report;

18. *Recalls* paragraph 65 of its resolution 65/247 and paragraph 17 of its resolution 66/265 of 21 June 2012, in which it requested the Secretary-General to intensify his efforts to ensure the proper representation of troop-contributing countries in the Department of Peacekeeping Operations and the Department of Field Support of the Secretariat, taking into account their contribution to United Nations peacekeeping, and requests the Secretary-General to report thereon in his proposed budget for the support account for peacekeeping operations for the period from 1 July 2017 to 30 June 2018;

19. *Expresses serious concern* about the slow pace of progress towards the goal of 50/50 gender balance in the United Nations system, especially in senior, policymaking and field positions, in conformity with Article 101, paragraph 3, of the Charter of the United Nations;

20. *Welcomes* the intention of the Secretary-General to implement a comprehensive strategy to intensify efforts to ensure greater representation of women in the Secretariat, particularly in senior leadership positions, including through active recruitment and retention policies, and requests the Secretary-General to provide an update in his next overview report on progress towards the

[*] A/71/323, para. 52 (d).

goal of gender balance, including on the adequate representation of women from developing countries, as a matter of priority, and on how managers have been held to account for contributing to gender targets;

21. *Reiterates* that the overarching objectives of a performance management system are to measure performance and reward good performance and to address underperformance in a credible and effective manner and that it should be easily understood by staff and management, and requests the Secretary-General to further intensify his efforts to ensure that a more refined performance management framework is implemented throughout the Organization, particularly at the managerial and leadership levels, supported by adequate training and guidance;

22. *Notes* that the current ratings distribution is not an accurate reflection of performance in the Organization, and requests the Secretary-General to analyse and report on the effectiveness of system enhancements, patterns and trends in completion rates, ratings distribution and participation in performance management training in his next overview report;

23. *Also notes* the establishment of a learning and career support strategy to support staff through learning and development opportunities, in particular in respect of enhancing management and leadership skills within the Organization;

24. *Recalls* paragraph 56 of its resolution 70/244, and encourages the Secretary-General to make further efforts to ensure work-life balance and provide career development opportunities, which are important elements in motivating and retaining staff;

25. *Also recalls* paragraph 68 of the report of the Advisory Committee, and requests the Secretary-General to undertake a more extensive analysis of potential costs and benefits and to report thereon in his next overview report;

II
Mobility

26. *Takes note* of the progress achieved in the implementation of the first managed mobility exercise for Political, Peace and Humanitarian Network (POLNET) staff members, the result thereof and the preliminary nature of the findings and lessons learned, as reported by the Secretary-General,[7] and looks forward to the continued implementation of the system as adopted in its resolution 68/265;

27. *Requests* the Secretary-General to conduct further analysis and to report thereon to the General Assembly at its seventy-second session in order to realize the full benefits of mobility, such as reduced recruitment time, a dynamic workforce and ensuring the fair sharing of the burden of service in hardship duty stations;

28. *Urges* the Secretary-General to ensure necessary cooperation among related departments and offices in the implementation of the new staff selection and managed mobility system, and requests him to report thereon in his next progress report;

[7] A/71/323/Add.1.

29. *Requests* the Secretary-General to provide detailed information on his proposal to include vacant positions at B, C, D and E duty stations in the managed mobility system in his next progress report;

30. *Reaffirms its request* to the Secretary-General that he ensure the fair treatment of all staff members in the context of the reassignment pool related to the managed mobility framework;

31. *Requests* the Secretary-General to ensure the consistent and transparent application of the criteria for possible deferments of or exemptions from mobility requirements;

III
Assessment of desirable ranges

32. *Notes with concern* that the Secretary-General has failed to present a proposal for a comprehensive review of the system of desirable ranges, and in this regard requests him to present to the General Assembly, no later than at its seventy-third session, proposals for a comprehensive review of the system of desirable ranges, including by retaining or widening the current base number of Professional posts, with a view to establishing a more effective tool for ensuring equitable geographical distribution within the Secretariat in relation to all posts financed through the regular budget;

IV
Composition of the Secretariat

33. *Notes with concern* the upward shift in the grade structure of the Secretariat and the relatively low number of junior-level posts, and requests the Secretary-General to take concrete measures to reverse this trend, including a review of all existing positions at the levels of Director, Under-Secretary-General and Assistant Secretary-General, with a view to identifying any overlapping functions and responsibilities and reducing the overall number of posts at these levels, and to report thereon in the next budget submission;

34. *Reiterates its concern* over the increase in the use of consultants, especially in the core activities of the Organization, stresses that the use of consultants should be governed by the relevant resolutions of the General Assembly, in particular section VIII of its resolution 53/221, and that they should be drawn from the widest possible geographical basis, and requests the Secretary-General to make the greatest possible use of in-house capacity and to report to the Assembly at its seventy-third session on the measures taken to that effect;

35. *Welcomes* the United Nations internship programme, and requests the Secretary-General to ensure that it contributes to the achievement of United Nations objectives and the learning experience of the participants;

V
Practice of the Secretary-General in disciplinary matters and possible criminal behaviour

36. *Recognizes* the importance of high standards of investigative practices within the Organization, and in this regard requests the Secretary-General to

continue to improve investigative procedures and to report thereon in his next report;

37. *Requests* the Secretary-General to finalize and issue an administrative instruction on disciplinary matters, as a matter of priority, without further delay and no later than 31 December 2016, and to report thereon to the General Assembly at its seventy-third session;

VI
Amendments to the Staff Regulations and Rules

38. *Approves* the proposed amendments to the Staff Regulations and notes the amendments to the Staff Rules set out in the report of the Secretary-General,[5] subject to the provisions of the present resolution;

39. *Takes note* of paragraph 129 of the report of the Advisory Committee with regard to broadening the scope of staff rule 9.9 (b) to cover other types of serious misconduct;

40. *Requests* the Secretary-General to provide information on the impact of the amendment to staff rule 10.4 on investigative activities in the context of his next report;

41. *Decides* that new staff rule 3.20 proposed to implement the new recruitment incentive approved in paragraph 53 of its resolution 70/244 shall read as follows:

> An incentive payment for the recruitment of experts in highly specialized fields in instances in which the Organization was unable to attract suitably qualified personnel may be made under conditions to be prescribed by the Secretary-General. The amount of the recruitment incentive shall not exceed 25 per cent of the annual net base salary for each year of the agreed appointment.

VII
Activities of the Ethics Office

42. *Commends* the Ethics Office on its exceptional ongoing efforts to foster a culture of ethics, integrity, transparency and accountability in the Organization, and welcomes the efforts of the Office to increase awareness of ethics-related issues through outreach, training and education;

43. *Requests* the Secretary-General to continue to encourage all eligible senior officials who have not yet publicly disclosed a summary of their assets to do so in future cycles, and also requests the Secretary-General to collect data relating to gifts and honours received by Secretariat officials, to monitor related trends and to report thereon in his next report;

44. *Recalls* paragraph 146 of the report of the Advisory Committee, and urges the Secretary-General to finalize and promulgate the revised policy on protection against retaliation by the end of 2016, to ensure the swift and effective

[5] A/71/258.

implementation thereof and to promote an organizational culture in which staff are not reluctant to speak up and that those who retaliate are held accountable;

45. *Also recalls* paragraph 147 of the report of the Advisory Committee, and requests the Secretary-General to develop in his next report a proposal concerning the independence of the Ethics Office for the consideration of the General Assembly.